

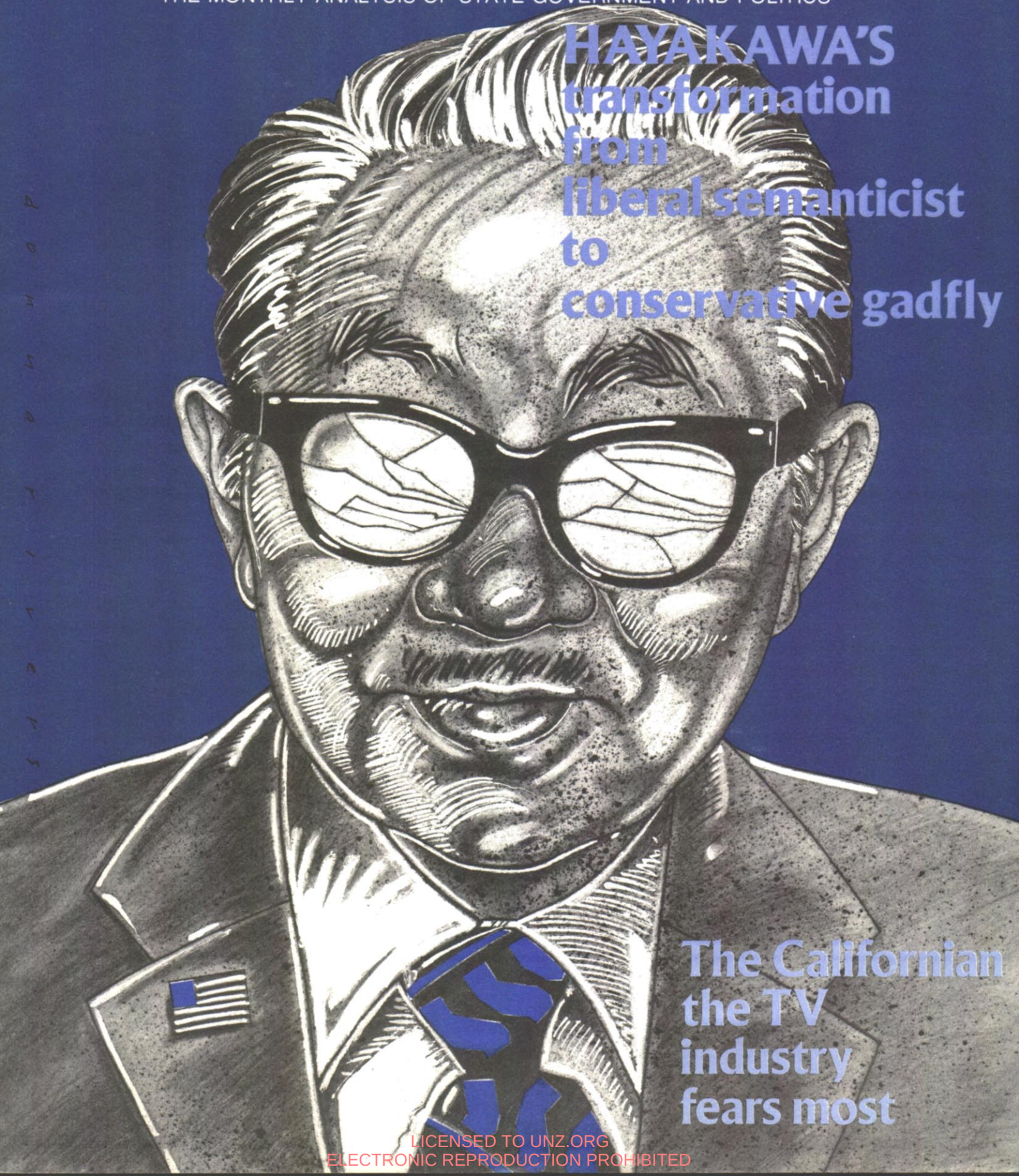
OCTOBER 1977

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California Journal

THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS

**HAYAKAWA'S
transformation
from
liberal semanticist
to
conservative gadfly**



**The Californian
the TV
industry
fears most**

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A PERSONAL PERSPECTIVE . . .

By Ed Salzman

Rangers without guns

Three retired city managers — Wes McClure of San Leandro, John Phillips of Pasadena and Elder Gunter of Stockton — may have the most unusual jobs in California government today. Their business cards describe them as “range riders” for the League of California Cities.

These rangers have absolutely nothing to do with law enforcement — unless some city calls for help in the administration of its police department. Upon the retirement of these three men, the League decided it would be ridiculous to waste the talents of such experienced administrators. They were asked to serve as unpaid troubleshooters, ready to travel within their territories to help solve governmental problems.

The system works because none of the three range riders is trying to build a personal empire, because these men are respected by their peers and because they come into a city as helpers rather than as inspectors. They do what they can and ride off into the night to await the next call.

Now the California Supervisors Association is getting into the act by employing Marty Tarshes, who retired recently as San Mateo County administrator, as the first ranger for the 58 counties. More are undoubtedly on the way.

The next step up the ladder is state government, which occasionally loses exceptionally talented individuals who retire either at the mandatory age of 67 or earlier. In recent weeks, both Legislative Analyst A. Alan Post and court-system administrator Ralph Kleps left their jobs. Both of them are respected across the nation for their talent as government administrators. Yet, they are no longer available — as are Phillips, Tarshes, McClure and Gunter — to help solve problems in state agencies or even in local government.

How valuable it would have been to have sent a man like Post into the state Health Department three years ago when it became a bureaucratic nightmare. And there could be men and women with unquestioned ability available as troubleshooters when any department head has a particularly knotty problem.

The *Los Angeles Times* suggested that Post would be just the man to straighten out the Los Angeles County assessor's office. He isn't available. (He's off to paint in Spain.) Kleps is sitting home mulling a variety of opportunities, while his strong hand might be made available to solve governmental legal problems. There are undoubtedly dozens of others with expertise who could be put into a talent bank for use on a voluntary basis.

Governor Brown is big on volunteerism these days. To get his program off on the right foot, perhaps he should call for a range rider.





Rumor of the month: Congressman Barry Goldwater Jr. will abandon his seat in the House of Representatives after this term, return to Arizona and run for his father's Senate seat in 1980. This assumes that Barry Senior plans to retire at the end of his current term.

Political writer Richard Reeves of *Esquire Magazine* has been spending some time in California preparing an article on "the next president of the United States — Jerry Brown."

Superintendent of Public Instruction Wilson Riles will run for reelection next year — for his last term, he says. This was a disappointment to former Assemblyman Ray Gonzales, a member of the Educational Employment Relations Board, who was warming up in the bull pen on the assumption Riles might be offered and accept a post in the Carter Administration.

State Senator Bill Campbell has made the "last-chance diet" popular in the Capitol. Campbell lost so much weight with his starvation diet that his nickname has changed from Hacienda Fats to Sacramento Slim.

The inside story on how Ed Asner obtained the television name of Lou Grant, same as cartoonist Lou Grant of the *Oakland Tribune*: Many years ago, the real Lou Grant worked as a gag writer on the Duffy's Tavern radio program. One of his colleagues on that show later turned up on the team writing the Mary Tyler Moore Show, and he named the Asner character in honor of his cartoonist buddy. The real Grant's cartoons, incidentally, are being used to decorate the set on the TV show.

The irrepressible William Bennett, chairman of the State Board of Equalization, is comparing the effort to remove Martin Huff as executive officer of the Franchise Tax Board with Richard Nixon's removal of Archibald Cox as Watergate prosecutor.

Former Governor Pat Brown was recently named "Sportsman of the Year" by the Sugar Ray Robinson Foundation. Don't tell a soul: As governor, Brown tried to kill professional boxing in California.

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ROSTRUM

The **Journal** welcomes comments on articles or on issues involving California government and politics.
The Editors

Corrections on courts

Your September article ("Who ran the state courts?") on the running of the state court system as it existed prior to March 1977 is in need of at least two major corrections. As a long-time, direct participant in the running of the system, and as the author of several articles discussing the subject, I'd like to state my view as to those corrections.

First, and first in order of importance, is your conclusion that the administrative director of the courts has some control over the research attorneys employed by the Supreme Court and the Courts of Appeal. Nothing could be farther from the truth. The attorneys employed by our appellate courts are solely responsible to the justices who employ them. The decision-making process is wholly outside the administrative structure of the Judicial Council and its staff; it is a personal and non-delegable responsibility of the judges and has been so treated throughout the 50-year history of the council. So far as I know, no one would say that the administrative delegations made by chief justices or by the Judicial Council have had any effect whatsoever on appellate decisions in this state.

Second, insofar as your title suggests that an administrative director might "run" the courts, rather than the chief justice, it overstates the is-

sue. The constitutional delegations from the Judicial Council and the chief justice under Section 6, Article VI of the Constitution (any administrative power other than rulemaking) set the boundaries of an administrative director's authority. Those delegations are revocable and subject to change; they also are typically stated to be "under the supervision of the Chief Justice." Thus, only to the extent that he does what those having the responsibility want done is an administrative director able to do anything.

Putting the matter simply: Decision-making is nondelegable and it has always been so treated in California; administration is delegable and has been so since 1961. The line between the two is clear-cut and it has been strictly observed.

RALPH N. KLEPS
Former Administrative
Director of the Courts

Comment from Ed Salzman, author of the article: *Ralph Kleps is right and I was wrong about control of research attorneys for the court. The article should have clearly distinguished two concerns of Chief Justice Rose Bird over court administration — the delegation of power to an administrative director and the handling of casework by a centralized research staff.*

judges between courts and perhaps to a higher court. In short, as chief justice, Bird controls all of the judges in California from justice courts to Supreme Court, and without statutory accountability.

What have been the consequences thus far of the new stewardship of the judicial system? How have the populist Chief Justice and the Governor affected the California judiciary?

The board of governors of the State Bar, not without objection, approved the chief justice appointee by a vote made possible only by the unanimous support of the newly appointed lay members. Ralph J. Gampell, president of the State Bar who presided over that meeting, has now succeeded Ralph Kleps as the executive director of the Judicial Council and head of the administrative office of the courts. Superior Court Judges John T. Racanelli and Sidney Feinberg — who spoke on behalf of the confirmation — have now been elevated to Courts of Appeal. Judges Don Chapman and Homer Thompson have been temporarily assigned to appellate courts, and William Shannon Parrish, former member of the State Bar board of governors, has been appointed to the municipal court of San Leandro — where he did not reside until the appointment was in the offing, and in spite of the fact that he was *prima facie* unqualified, i.e. he was a white male over the age of 50.

Another consequence of the Bird appointment, however, harbors even further potential for control of the judicial system. There are vacancies on the Courts of Appeal, several in the First Judicial District based in San Francisco. As an economy measure, consistent with his two-year freeze on the cost-of-living increases in all judicial salaries, the Governor has failed to fill some vacancies for over a year. Chief Justice Wright appointed retired Superior Court judges *pro tempore* to fill the vacancies, a felicitous device which results in the employment of good judicial talent at little expense or inconvenience. This practice has been abrogated by Chief Justice Bird. Now, through the power of the office of chief justice, sitting Superior Court judges are to be selectively elevated for four- to six-week periods. These *pro-tem* appointees do not, of course, have the independence of appointed justices or retired judges. Although this practice may give trial judges a more rounded perspective, they are necessarily under some pressure to please in order to be permanently appointed, or at

(continued on page 358)

Browning of the courts?

The *California Journal* has been (a) unfair to conscientious Republicans and (b) a bit naive in suggesting that Republicans should have opposed the appointment of Professor Frank Newman to the state Supreme Court, rather than make the strategic error of opposing the appointment of Rose Elizabeth Bird as Chief Justice of California ("New Man and a New Court," *CJ* August, 1977).

The Bird appointment (she signs official orders "Bird") was not opposed because she was a woman, nor because of her philosophical attitudes. Rather,

the opposition of Republicans, and others, to her confirmation was based on the premise that the office of the chief justice in the judicial system of California requires a person of some judicial experience and helpfully some independence. The chief justice is chairman of the Judicial Council — to which she also makes appointments. The chief justice directs the administrative office of the courts. Through these bureaucracies the administration of all courts is controlled and rules and forms adopted and implemented, including the temporary assignment of

Senator 'Sam' Hayakawa, California's conservative gadfly

By *GEORGE L. BAKER*

Last January, when snow draped the nation's Capitol, two of the most highly publicized newcomers to the U.S. Senate were Daniel Patrick Moynihan of New York and S. I. Hayakawa of California.

Both had entered politics via the halls of academia and both had achieved a certain notoriety for standing up to revolutionaries, student or otherwise. They were witty, urbane, cerebral, acerbic, colorful and easily identified by what they wore — an Irish tweed walking hat for Moynihan and a tarr-o'-shanter for Hayakawa.

It was freely predicted that a debate between the two would be just the tonic needed to revive the Senate as the nation's great oratorical chamber. The angular, bellicose Moynihan versus the diminutive, soft-spoken Hayakawa. Reporters fairly drooled at the prospect.

Winter has given way to summer and fall, and the snows — along with some media-inspired legends — have long since melted away. Democrat Moynihan has emerged as a rising star in the Senate, working hard for welfare reform legislation and prodding the federal government to revitalize the nation's urban centers.

And what of Dr. Sam Hayakawa, as he is known locally? He has fallen into the orbit of a small clique of Senate conservatives, aligning himself frequently with senators like Orrin Hatch of Utah, James McClure of Idaho, Jesse Helms of North Carolina and Barry Goldwater of Arizona.

While Moynihan establishes himself as a Senate comer, quickly learning the legislative ropes, Hayakawa appears content to hold a press conference, summing up his first six months in office. It is an undistinguished event, but 24 reporters, 10 microphones and five television cameras crowd into the room. Obviously Hayakawa is a hot item back home.

"I've had to learn things and find out what it is a politician does for a living and do it," Hayakawa tells the press. "I was pretty nervous when I came here, but I'm less nervous now.

And I think I can say, perhaps I've brought some new ideas to the Senate — not that they've been accepted, but I'm confident they are taking root."

Then some of the television team, looking for a 30-second answer that will fit their conception of Hayakawa as the daffy Mr. Smith comes to Washington, begin to bore in.

Question: Senator, you said that when you first came here you were pretty nervous. When did you get over that nervousness?

Answer: Little by little over the week. You can't set a particular date and say, you know, on Tuesday, April 23, I ceased to be nervous.

Question: What happened on that day?

Answer: That was Shakespeare's birthday.

Question: Didn't you just have a birthday a few days ago? How did you celebrate it?

Answer: Yes, our staff gave me the most fantastically wonderful birthday party.

Pretty heavy stuff, but then his press conferences are seldom hard-hitting. Image, tone, style are exceedingly important and if they sometimes take precedence over policy matters, well, so what? Which is not surprising since he was trained as a semanticist, emphasizing the meaning conveyed by words and symbolic acts.

Conveying the image

Hayakawa hasn't accomplished much in his nine months in Washington, but this isn't surprising since he is a Republican in a

Democratic-dominated Congress and is untrained in the rudiments of legislating. Veteran political observers don't hold out much hope that he will be any more productive during the rest of his term. "Ineffective" and "ineffectual" are two of the adjectives tossed about most often to describe his performance so far.

Yet that may not matter much to Hayakawa, as long as he can convey the impression that he is trying to do something about the pet gripes of Californians — trying to stop the ban on saccharin, making sure that long-haired college freaks don't receive food stamps and reducing bureaucratic



gobblydegook. Tempermentally and intellectually, Hayakawa seems ill-suited to being a legislator in the sense of attending to nitty-gritty details of putting together laws. He has a low threshold of boredom, and does not involve himself in the dynamics of consensus partisan politics.

Instead, the California Republican has apparently decided to become a conservative pamphleteer, a gadfly nibbling at the corners of fundamental issues without confronting them head-on. Often referred to as the "distinguished educator from California," Hayakawa sees himself as a professor trying to educate his constituents on the perils of big government.

In at least one respect, Hayakawa hasn't quite measured up to the expectations he aroused in last year's campaign. When he blazed through two elections, he left the firm impression he would be one of the Senate's leading mavericks. After all, he was as comfortable tossing off flip remarks about the Panama Canal as he was taking scuba diving lessons. And wasn't he Japanese by race, Canadian by birth and a naturalized American citizen who, at age 63, stood eyeball to eyeball with radical forces trying to close down San Francisco State College? Wasn't he also an academician of some prominence who rode motorcycles, played softball, grew his own organic vegetables, wrote best-selling books, dressed like an insurance salesman and swore like a longshoreman? Surely such a man, a liberal Democrat turned Republican, would be a first-rate political maverick.

Gossip columns

A few months ago when he went to D.C. Superior Court to testify against some youths who burglarized his \$180,000 home a few blocks from the Capitol, the event was accorded page one treatment in *The Washington Star*, down to his "flamboyant dress," a tan straw hat, a tan summer suit, a brown shirt, an orange patterned tie and white shoes. When some veteran Washington reporters met him for breakfast, Hayakawa had his standard fare: a low-cholesterol diet of sardines, lettuce salad, English muffin and tea. The next day a brief summary of the menu and not much else was on page one of *The Washington Post*.

Occasionally his name appears in local gossip columns which keep track of his interests in collecting African art and jazz records, or his hobbies of singing and playing the piano or guitar. He is, in sum, treated more as a genuine California "folk hero" than a politician.

But as for being a maverick Republican, that is hardly the case, unless you consider his breakfast menu. Only in foreign affairs, where he has staked out an essentially internationalist position by indicating he will support a proposed Panama Canal treaty, has Hayakawa deviated significantly from the party line. Indeed, not since George Murphy has California had so conservative a senator.

When Hayakawa first came to the Senate, Alan Cranston, the senior California senator and Democratic whip, often marked Hayakawa down as undecided on key issues. No more. "Before he came here I thought he was an unpredictable Republican, but up to now he's been fairly predictable," Cranston says.

At first, Cranston attempted to woo Hayakawa on a few selected issues, attempting to build a consensus position. But increasingly the two have gone their own ways on matters affecting California. While Cranston was trying to work out a compromise on the number of porpoises that are killed each year in the tuna industry, Hayakawa introduced the industry bill in its entirety. Cranston quickly accused him of grandstanding, because the measure had already been killed in the House. Ever since, their legislative relations have been chilly. While Cranston supports a Carter Administration package that would expand Redwood Na-

tional Park, Hayakawa has sided with the timber industry, in opposition to any expansion.

Voting for business

With few exceptions, Hayakawa has supported the positions of big business, but on the stump, he tells it differently: "Too many people think of the Republican party as the party of the fat cats, the party of the big corporations, the party of Wasps, rather than the off-color minority," he said earlier this year.

That speech to the Republican State Central Committee in Sacramento was given a couple of months before the Senate voted on a series of tax reform proposals. When the Ralph Nader-affiliated Public Citizen Tax Reform Research Group tallied up 11 votes on tax benefits for special interests and big business, Hayakawa had favored them all. The votes ranged from giving two chicken producers in Maine and Arkansas a special tax break to lightening the oil industry's tax load. Only six other senators, all Republicans and several of them close friends of Hayakawa, had similar ratings.

On a key California tax matter, Hayakawa again supported the interests of big business. The occasion was a Senate hearing on a treaty with the United Kingdom which would change the manner in which multi-national corporations are taxed by state and local jurisdictions. Opponents of the treaty say it would reduce California's taxes on major corporations by about \$125 million. When State Controller Kenneth Cory showed up to oppose the treaty, Hayakawa lashed out at him, accusing the Democrat of having a "small shopkeeper's mentality."

Hayakawa said it would have been "easy" and "politically expedient" to side with Cory, but "I promised my fellow Californians that I would always have their best interest at heart."

Hayakawa also maintains his untiring campaign to rewrite child labor laws and to reduce the minimum wages that employers have to pay, claiming this would aid small businesses and strengthen the nation's youth:

"Our minimum wage laws, and even more especially our child labor laws, prohibit our young people from taking part in the natural process of accepting adult responsibility and growing up," he remarked recently. "I don't care if they get paid, in a way. I'm not talking economics at the moment; I'm talking about human development, the transition from little boy and little girl to young man and young woman."

The key to popularity

Sitting in his book-lined office, Hayakawa is asked how he has attained such popularity. As he does frequently, Hayakawa pauses about 20 seconds, letting the question dangle. Almost instantly, a press aide hands him a hand-scrawled letter from a couple in Oxnard. "We do not want Uncle Sam sticking his nose in every aspect of our lives from womb to tomb," Hayakawa reads. "Just get the bums off the dole in Washington, D.C. We are with you 100 percent."

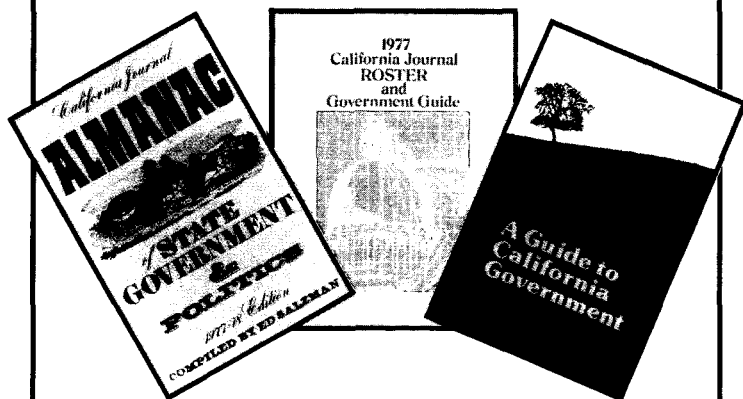
He adjusts his glasses trying to read the handwriting, then figures it out with the help of an aide. "Brother, it (Washington, D.C.) needs to be fumigated," Hayakawa smiles.

"It all goes back to 1968 and 1969," he says. "People get the college mixed up sometimes and think I was at Berkeley or Stanford. But it does nothing to destroy or alter that image. Besides, I'm a very likeable guy. After all, there's nothing haughty, disagreeable or brusque about me."

It is probably true that, even today, Hayakawa is best remembered as the bold college president who yanked out the wires of a loudspeaker through which a San Francisco State student was calling on others to join in a strike.

"You know the act in itself didn't matter," says the man

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function of government is to redistribute income.

"I say in all seriousness that nowadays it pays to be unemployed. Unemployment has been made, by the generosity of our laws, an extremely attractive alternative to working."

In just a few months in office, Hayakawa has voted to relax clean air standards in densely populated areas, to reduce funding for public service jobs by \$2.2 billion, to abolish the Senate Committee on Aging, to withhold federal funds from colleges like the University of California which use affirmative actions programs to aid minorities, to increase national defense spending while reducing spending for social programs and to reduce the minimum wage for young people. If it is not doctrinaire conservatism, it is at least fairly predictable.

Yet the press seems to be captivated by his style, his difference from the button-down, striped-tie set that occupies most of the Senate chamber. The media have tended to trivialize everything Hayakawa does, to the point that his special breakfasts are nearly as important as his votes on crucial issues. He is no longer a politician, but a celebrity. And this status has tended to obscure the essentially ineffective role he is playing in the Senate. His image has earned him a 72 percent state approval rating back in California but in the world of Washington politics Hayakawa and his staff barely get passing marks. According to a number of politicians, staff aides and lobbyists who deal with the Senator or his office on a regular basis, Hayakawa is ineffective in persuading other senators to adopt his point of view or support his legislative proposals.

"He'll make a speech and that's that," says one of them who asked not to be identified. "He doesn't really seem to fight for things. And he hasn't learned the process." One lobbyist who has had contact with the senator and his office says this: "His office staff is totally disorganized and doesn't seem to understand some of the issues in California. I thought things might get better after a few months but they haven't."

One Capitol Hill staffer says Hayakawa aides sometimes call him to talk about water and drought problems in the state. "The first question they asked me was, 'What's the Central Valley Project?' I thought, this is their expert in water." Another Capitol Hill staffer, after observing Hayakawa's operation for several months, remarks, "They make Tunney look like a heavyweight."

Learning the trade

Hayakawa responds that his lack of experience in the legislative arena has handicapped him. "I haven't done as much as an experienced senator could have done," he says. "I've had to learn a whole new trade. But whenever anything has come up affecting California, I've tried to help out."

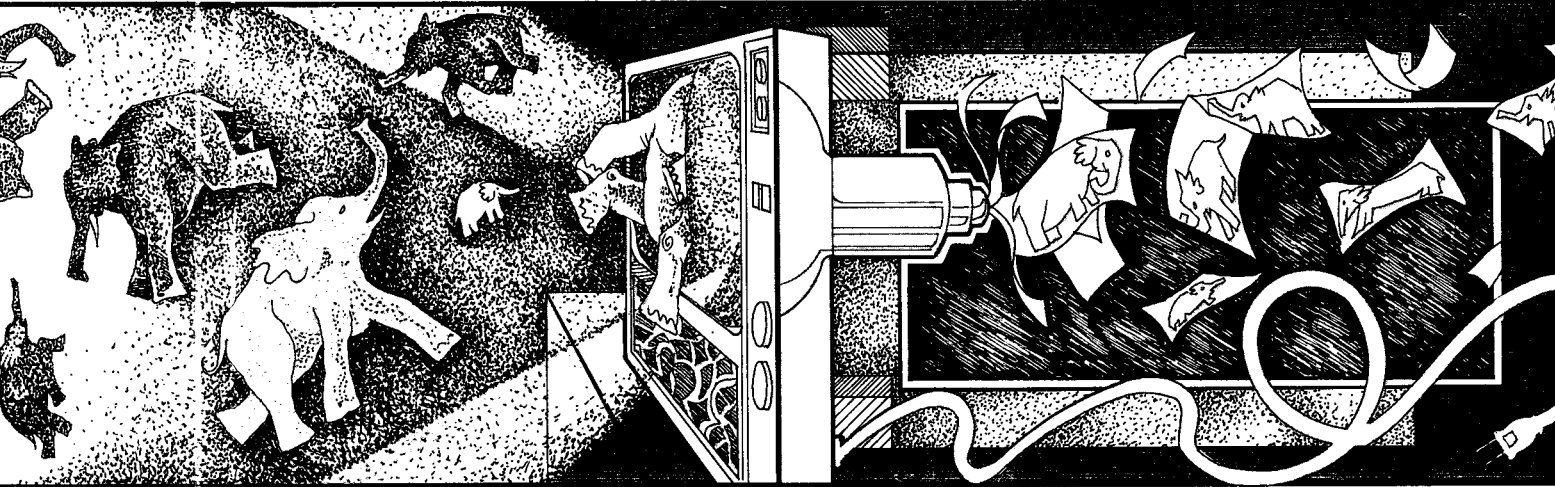
Despite the popular belief that he will be around for only six years, Hayakawa hardly gives that impression. He has consistently said he has no plans to retire in 1982. And he has set up field offices in the principal population centers — San Francisco, Los Angeles, San Diego and Sacramento — and the first one ever in Fresno.

Hayakawa also has placed his top press secretary — Harvey Yorke, a graduate of the Reagan Administration — in California, not in Washington. That is an indication of the importance he attaches to the cultivation of the proper image among the home folks. When John Tunney went scuba diving in the Santa Barbara Channel, it was interpreted as a cheap ploy for media attention. Hayakawa takes up scuba diving and it is seen as another demonstration of his zest for life.

As an expert in communications, he is keenly aware that the medium can be the message.

NOW JUST LIKE THE DEMOCRATS

How the state GOP lost its well-oiled machinery



By ED SALZMAN

Who is the Republican Party going to put up for governor next year? That's a question that could have been answered not too many years ago because there was such a thing as a Republican Establishment that called most of the shots and made sure most GOP elements stepped into line. There no longer is a Republican Party worthy of the name in the state. And there never was a Democratic Party.

Hiram Johnson and the Progressives did their best early in the century to emasculate partisan politics in California (mainly to end railroad control of the state). But the Republican Party managed to be strong and reasonably united for decades, primarily because of the leadership (or bossism) of the publishers of three major newspapers, the *San Francisco Chronicle*, the *Los Angeles Times* and the *Oakland Tribune*. From time to time, there would be bruising conflicts between the conservative and moderate elements of the party. Yet, through the middle 1950's, and later through the Ronald Reagan years, there was a definite central organization and thrust to the Grand Old Party.

Today from an organizational standpoint, you can hardly tell the difference between the two major parties. In the old days, only the Democrats would have been disheveled enough to have five major candidates for governor. By now, the Republican directorate would have given its blessing to one individual. At best, there would have been one significant challenger, as there was in 1966 when Reagan and former Mayor George Christopher of San Francisco fought for the right to defeat Pat Brown.

If the Republicans still had that old-time religion, Attorney General Evelle J. Younger might well be unopposed for the gubernatorial nomination this year. Mayor Pete Wilson of San Diego claims that Younger has shown extreme weakness by not locking up the nomination. Wilson says the lack

of a consensus behind Younger shows that the attorney general cannot win and that the nomination is ripe for Wilson's picking. Wilson may or may not be right, but the Younger situation shows how decentralized the party has become. From a pure political-science point of view, the loss of party strength is both a plus and a minus. It is an asset because it makes the political process more democratic; it is a debit because it makes political parties less responsible and less ideological.

Who's in charge?

Try to figure out who runs the Republican Party in California these days. Is it state chairman Mike Montgomery, who couldn't even get a key to the central-committee office while his predecessor, Paul Haerle, was the nominal leader? Is it Reagan, who is devoting all his energies to his Citizens for the Republic and a possible third crack at the presidency? Is it Younger, the only Republican constitutional officer? Is it Senator S. I. Hayakawa, who not long ago was a liberal Democrat? Is it state Senator H. L. (Bill) Richardson, who controls wads of money through his network of conservative anti-crime organizations? Is it any of the oft-competing volunteer organizations, United Republicans of California, Republican Associates, the California Republican Assembly, or the California Republican League? Is it state Senator Dennis Carpenter, head of the GOP caucus in the Upper House, or his Lower House counterpart, Assemblyman Paul Priolo? Is it a group of newspaper publishers or even the wealthy Southern Californians who once comprised Reagan's "kitchen cabinet?"

The Democrats have almost always been in this condition. The central committee has never amounted to much of anything, even when led by a unifying force like attorney

Charles Manatt. There have been warring factions, such as the Burton and Alioto groups in San Francisco and the Dymally and Bradley operations in Los Angeles. The liberal California Democratic Council had its detractors for many years, including Jesse Unruh when he was speaker of the Assembly. And there have been potent regional machines that have developed, such as those headed by Congressman Ron Dellums in the Berkeley-Oakland area and by Congressman Henry Waxman and Assemblyman Howard Berman in the Jewish precincts of Los Angeles. A centralized Democratic Party has been a rare exception to the rule.

The last time the Democrats came together was in the 1958-1960 period to help elect Pat Brown governor and John F. Kennedy president. At that time, the liberal California Democratic Council emerged as the temporary cement providing the foot soldiers and helping to raise money through a successful door-to-door drive called "Dollars for Democrats."

In fact, 1958 can be considered a major turning point because the disintegration of the Republican Party as a centralized force started in that year. Until that time, the *Times-Chronicle-Tribune* alliance dominated the GOP. But in 1958, the *Tribune's* William F. Knowland left a safe seat in the United States Senate to run for governor, which he thought would be a more advantageous launching pad for the presidency. His entry caused then-Governor Goodwin J. Knight to step aside and run for an office he did not want, Knowland's Senate seat. The *Chronicle* and the *Times* revolted against Knowland, and the long-time partnership was dissolved. Knowland was thrashed by Brown, and the party hasn't fully recovered yet.

The emergence of Reagan in 1966 provided the Republicans with a glamorous figure around which to rebuild. Reagan became Mr. Republican, and even those GOP legislators who didn't like him didn't dare attack him publicly. But the cult of personality that brought the party back together again also provided the seeds for its decentralization. For, while Reagan was in Sacramento concentrating on the quest for the White House, the Republican Party in the state was allowed to erode. Reagan's departure from office left a huge void. The Republicans no longer had a governor who would call the shots, and no substitute had been provided.

If Reagan had kept control of the party in California, would the then-state chairman Paul Haerle (himself a former Reagan aide) have defected to the Gerald Ford cam-

paign? And would other prominent California Republicans in significant numbers have also backed Ford?

The current state of Republican affairs in California is not the fault of a Knowland or a Reagan. Knowland damaged the party prematurely, and Reagan delayed its ultimate demise. The fact is that strong centralized political parties are losing potency throughout the United States. These are the reasons:

- **Money.** In yesteryear, the fuel of a party organization was the money and foot soldiers it controlled. Now, money is becoming less of a factor because of federal funding of presidential campaigns and limitations being placed on expenditures on some lesser races. In fact, the control of a large sum of money can become a political embarrassment. It often becomes the major issue in a campaign, as it did in a special election won by Democrat Bob Wilson in a previously Republican Assembly district in San Diego several years ago.

- **Media.** Newspapers no longer boldly try to control the political process, at least not on a statewide basis. The dominant medium in politics now is television, which allows candidates to get to the people directly. This means they can ignore traditional party machinery and depend less on organization and precinct politics.

- **Personality.** This is the era of personality. A Jimmy Carter can be elected President despite his lack of party connections. An S. I. Hayakawa can sell himself directly. Even in rural areas, talent on the tube is more important than a connection with a caucus.

- **Primaries.** Because of the availability of television, primaries have become increasingly important (especially in presidential races). This dramatically reduces the power of party leaders to select nominees.

- **Voter independence.** Only one-third of all Americans now consider themselves strongly attached to a party. This means that a strong party organization can be a negative factor in appealing to independent voters.

A dangerous demise

Stephen Hess, a senior fellow at the Brookings Institution and an expert on the American political process, is worried about the demise of the two-party system because it has given us "the organizing principle around which we form governments and wage free elections. The parties provide cohesion, which we must have if we are not to choose sides anew every time there is an election; the parties provide an historical memory, which is necessary every time a public official dies, retires or is defeated. A no-party system would create chaos."

For the Republicans, the disintegration of parties is especially critical because they cannot match the Democrats in numbers of supporters. The GOP has won elections through the stockpiling of money, superior organizational work and the development of attractive candidates. Now, all that is left is the last item — a further exaggeration of the cult of personality.

Try to figure out where the Republicans now stand on economic policy, for example. Two years ago, the GOP blockaded Governor Brown's budget and demanded that the state spend more for schools as the price for getting the votes necessary for passage. This year, the same Republican leader, Priolo, warned at budget time that the state would have to curtail spending — at a time when the state was facing a budget surplus of \$2.5 billion. Through luck and skill, Jerry Brown has co-opted the cornerstone of Republican rhetoric — economy in government.

This is an era in which party affiliation and political philosophy are on the decline. In their place: charismatic style, seeming sincerity and a simple message that can be sold on television in 30 seconds.

The book that distinguishes two shades of Brown

At one moment, Governor Brown seems to be advocating an antigrowth, "era-of-limits" policy, the next he is calling for industrial expansion in an "era of possibilities." One minute, he is fighting the New Melones Dam, the next he is advocating the Auburn Dam.

If you want to understand these two seemingly contradictory sides of the Governor, read **Jerry Brown: High Priest and Low Politician**, by Journal editor Ed Salzman. Anyone with an interest in California politics and government will want a copy of this attractive paperback "Whole Brown Catalog."

Copies are available for \$3.13 each, including tax, from **California Journal Press**, 1617 10th St., Sacramento, CA 95814. Postage and handling are free on prepaid orders.

The Californian who may change our television habits

By STEVE CASEY

Lionel Van Deerlin, who is as welcome as a power blackout in some quarters of the television industry, spoke not long ago to a group of movers and shakers in the National Association of Broadcasters. At the end of the session, as he recalls it, Van Deerlin was asked, "What will you do to restore stability to this industry?"

"Of course," reported the droll Congressman, "I was non-plussed. Restore stability? That suggests a lack of stability. Now, you just tell me about this lack of stability in the \$7-billion-a-year business that broadcasting is doing. You know, they have to get out of the way of the money. Yet these guys think their number-one legislative goal is a longer license term and almost automatic renewal of a broadcaster if he hasn't performed a penitentiary offense. And it's just ridiculous."

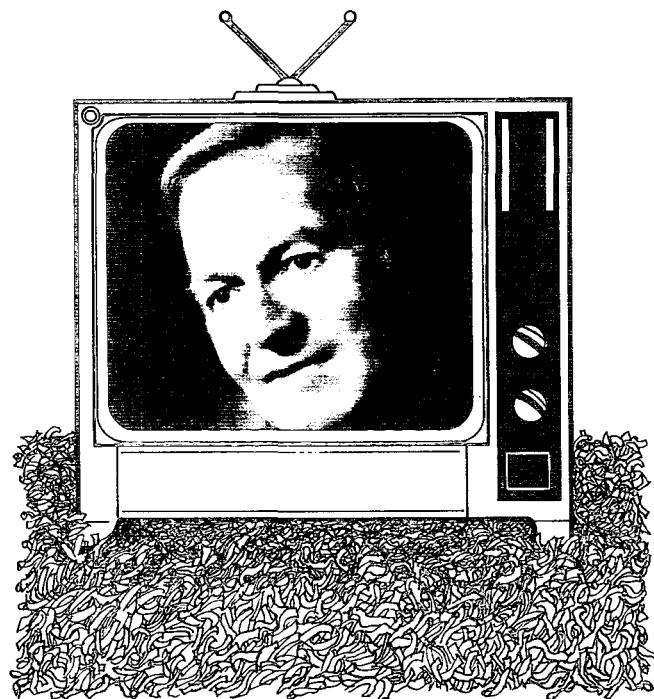
Van Deerlin, a Democrat from San Diego's suburban Chula Vista, is chairman of the House communications subcommittee which is now trying to rewrite the country's broadcasting and communications legal bedrock, the Communications Act of 1934. It is an assignment to which he brings a barbed wit and healthy sense of the absurd.

Everyone agrees there are problems with American TV. The major issues, according to broadcasters, are licensing standards and procedures, and the threat of siphoning major sporting events off "free" television onto pay-cable. The major issues, according to viewers, are explicit sex and an overabundance of what networks steadfastly call "hard action" and the rest of us call violence.

So entwined in the public mind have these last two issues become that they have emerged as one — commonly called "sexenvilunces." Like Peter Finch in the movie "Network," the American TV viewer — even as he leaves his set running about 35 hours a week — cries out, "I'm mad as hell, and I'm not going to take it anymore!"

Understandable concern

Van Deerlin is not so much mad as hell as he is bemused and frustrated. Much to the dismay of the industry, he has announced a "basement to attic" rewrite of the Communications Act. As much as 85 percent of the eventual rewrite is expected to deal with such non-broadcast matters as telephone communications, alternative mail delivery, electronic funds transfer and sundry data transmission issues. But it is Van Deerlin's focus on television which has aroused industry ire. While they consider many of the regulations under which they operate onerous, broadcasters prefer the devils they know to the ones they don't. They wish Van Deerlin and his endless questions — about the basic structure of the TV in-



dustry, about violence, about control of sporting events, about deregulation of cable TV — would creep quietly off into the night.

To Van Deerlin, the apprehension is understandable. "It's a tremendously profitable business. A 25 percent return on investment is not uncommon at all, and obviously they don't like to see anybody taking the system and holding it up to examination." He has tried, sometimes, not to inflame them. When broadcasters became upset at the "rewrite," Van Deerlin switched to a new semantic tack and his subcommittee is now, officially, embarked upon a "review."

Van Deerlin considers the 1934 act a horse-and-buggy law being used to regulate space-age technology undreamed of in the 1930s. He sees an "onrushing technology" of great potential benefit to the nation's consumers — if it is made available.

"You've got all kinds of applications of technology," says Van Deerlin. "Take when the Padres or the Chargers are playing in Cincinnati. If an independent or a network station wants to carry that 'away' game, if they have to pay the telephone company landline (fees), there's no way to get that three-hour signal for less than something between \$3,000 and \$4,000. That means they probably can't go out and justify the expenditure by nailing down enough advertising to carry the game. Okay, they go to a satellite delivery; they get it for \$700 or \$800 for the three hours. Now it becomes a real economic possibility."

Steve Casey is a reporter specializing in broadcasting for the San Diego Evening Tribune.

Van Deerlin is essentially in favor of whatever laws and technologies will increase viewers' choices. "I know Democrats aren't supposed to say things like that, but I like to see the marketplace determine some of those things. If a technology is available, if it's something people want and can afford, I just don't see the government having the right to say they can't have it, if it doesn't impinge on anybody's legitimate interests."

Unmixed blessing?

Yet diversity in and of itself is not always an unmixed blessing. Some broadcasters fear that runaway technology could produce a wide range of choices, but none of them would be worth choosing. In remarks to the Oregon State Broadcasters Association, James E. Duffy, president of the ABC Television Network, cautioned that "fragmentation of the industry would very likely result in a Tower of Babel." Speaking of wiring the entire country and going in the direction of pay-cable, Duffy said "there would be dozens of channels in every home, and untold multitudes of producers. Overall quality would surely suffer in a drastic way."

The flip side to that, though, is: What miracles hath the three commercial networks wrought? That they dominate the production and distribution of TV's lackluster fare seems beyond serious question. "We heard testimony last August from people who do the writing and filming in Hollywood," says Van Deerlin, "and almost with one voice they complained that network control over their contributions was complete." Three-network dominance may increase the level of televised violence, he suggests, and the subcommittee staff has been directed to investigate that.

"With so much of the criticism of violence," he says, "the defense is always that these are popular shows. And then you find out that . . . there isn't that much choice. You have a choice between the violence you find on 'Charlie's Angels' and the violence you find on comparable shows."

How, asks Van Deerlin, can you study television violence without looking at the industry structure that produces that violence? And how can you plan for the future of broadcasting without examining the realities of broadcasting today? "How can you talk about these things without discussing whether it's a healthy thing for the 15 richest (TV) outlets to be owned by the three big organizations which provide the programming for them, and which depend for their livelihood on hundreds of affiliates as well? This is a legitimate question that should be asked. But just in the asking you send such chills up so many industrial spines."

The chills of fear seem to be found in inverse proportion to the degree of personal familiarity broadcasters have with the California Congressman, himself a former print and TV newsman. Clayton Brace, general manager of McGraw-Hill's KGTV in San Diego, is a personal friend and has, he says, been put "in charge of" monitoring Van Deerlin on behalf of the industry. "I don't think Van Deerlin or his subcommittee is out to create havoc in the broadcast industry," Brace says. "I must tell you, I am not agreed with by a good number of people in my fraternity."

Other broadcasters are not so charitable. Comments on the subcommittee rewrite and its controversial violence study have ranged from the restrained ("Some of the options . . . deserve very serious discussion by all broadcasters" — Elton Rule, president of American Broadcasting Companies, Inc.) to NBC board chairman Julian Goodman's accusation of "tinkering" with the 1934 act; on to the histrionics of the NAB newsletter charging Van Deerlin's rewrite effort is "radical and revolutionary."

That's overstating it, says Van Deerlin. "I'll be disappointed, I'll consider it a failure, if the process doesn't have the end result of widening the choices that are available to

the viewer. What we have now is a situation in which three-quarters of the (TV) stations in the country are network-owned or network affiliates. On the average, more than 80 percent of their total programming comes down from the networks. The other 24 percent of the stations are independents and their programming, one must note, is inordinately limited to syndicated stuff, much of which is just a rehash of stuff that's been on the networks in prior years.

That may not involve anything as radical as some broadcasters fear. Van Deerlin doesn't see himself as an enemy of the industry, although his reputation as a maverick, earned while a TV newsman, has not deserted him in the halls of Congress. He says some things that come as good news to broadcasters: He favors easier license renewals for radio stations (but not television), he supports full First Amendment rights for TV journalists, he believes the nation's TV system is second to none in the world.

"It may be that ultimately we'll decide that some of the changes that have been proposed might impair what is a very widely accepted system," he said on a conciliatory note. "I think any system which has provided as fully as this one has, should be tinkered with judiciously."

If there is one area seemingly ripe for tinkering, it is sports. While Van Deerlin assures broadcasters that major events will not be siphoned off to pay-cable, he is not pleased with the state of network sports. His subcommittee is reviewing NBC's 1980 Moscow Olympics deal with the Russians, the CBS "winner take all" tennis matches in which the purse was really split before the first serve, and the ABC boxing tournament with its widespread allegations of kickbacks to promoters and record falsifications.

Mismatch of the century

Meanwhile, Van Deerlin takes note of yet another boxing event, this one occurring on July 17th:

"CBS has a lovely Sunday afternoon, two hours of professional boxing from Miami which (I learned in advance from the former chairman of the state boxing commission in Florida) was, I guess, offering the mismatch of the century. And sure enough, with all the interviews and delays and everything, the first two fights were over by 4:30, having started at 4.

"One ended in a first-round knockout, and the second, in the second-round. And we find that two of the fighters involved in these setups are under contract to CBS. The opponent of the number four-rated lightweight in the world had been knocked down in three of his previous four fights. He'd never made more than \$300 for a fight, so he gets \$5,000 or \$10,000 for going in there and, you know, building this guy up.

"Now, if you have something totally phony like the Battle of the Sexes, or you get the champions of various lines to get together to compete in a bicycle race or pitching horseshoes, everybody who's watching it knows this is not a legitimate event. But, by God, when you have a boxing card which is ostensibly being promoted by one of the Dundee brothers, when you find that fighters in two of the three events are under contract to CBS, you ask 'doesn't CBS have a vested interest in building this guy up?' They know when he's ready to go for the championship he can't fight on any network but theirs.

"It's most unsavory, and what we're asking is why the hell do the networks have to get so close to the promotion and the scheduling and the management of the events they are supposed to be covering?"

To this and a host of other interesting questions, Van Deerlin expects some equally interesting answers during the two years, or thereabouts, the subcommittee will spend thrashing out a Communications Act rewrite. 

Helen Copley's liberation of the San Diego newspapers

By LARRY REMER

Cement and steel now cover San Diego's Mission Valley. Twenty-five years ago this area was farmland and San Diego was a sleepy Navy town. Today, stucco houses blot the hillsides; streets wind through once picturesque canyons; and a labyrinth of restaurants, shopping centers, hotels, motels, and offices sprawls across the Valley floor. A 10-lane freeway bisects the Valley lengthwise — Main Street for this "modern downtown" in California's second largest city. Near the center is the dazzling \$25 million red-brick and glass Union Tribune plant — home of San Diego's two daily newspapers, the *San Diego Union* and the *Evening Tribune*.

Seven American flags atop giant flagpoles mark the entrance to the building. That's the way the late James S. Copley — publisher of the *U-T* for more than 20 years until his death in 1973 — wanted it. Jim Copley believed in two things: an America oriented towards conservative Republican principles, and fervent patriotic support for San Diego's number one employer, the U.S. Navy.

With a daily newspaper monopoly in San Diego, and a string of 14 daily and 38 weekly papers in California and Illinois — including the *South Bay Daily Breeze* in Los Angeles and Orange counties and, until 1974, the *Sacramento Union* — Jim Copley was a powerful force in state and national politics. His death in the midst of Watergate and shortly before both Nixon and Reagan left office was part of the end of the post-World War II/Vietnam era.

Before the torch was passed to Jim's wife, Helen, she made her husband a solemn promise to "do the best I could to carry out his work." Though she'd never held an executive position with a large corporation or run a newspaper before (she'd been Jim's secretary before he divorced his first wife to marry her in 1965), she moved quickly to take over the helm of the Copley Press after his death. To the surprise of the experts, the soft-spoken, blue-eyed Mrs. Copley proved to be a keen businesswoman and an astute publisher. Faced with a large inheritance tax, she prudently sold off several marginal operations. She also moved to quell an incipient staff revolt at the Copley flagship, the *San Diego Union*, holding a series of marathon meetings with staffers who were fed up with seeing the Copley view of politics interfere with the fair and unbiased reporting of the news.

The Copley politic

For more than two decades, the Copleys had "delivered" San Diego into the GOP column in state and local elections. On occasion, the papers fanned the flames of rabid Southern California conservatism — praising the exploits of the mili-



tary in Korea and Vietnam, playing the antics of Wisconsin Senator Joe McCarthy on page one, and giving lots of ink to local Navy flag ceremonies and speeches by visiting admirals and generals. By contrast, the Montgomery bus boycott was played on the inside and Bobby Kennedy's name never appeared in a headline until the day he was killed.

The best-known example of how the Copley papers used its monopoly to political ends came in the 1960 Nixon-Kennedy election. Jim Copley had been promised that he was going to be appointed Secretary of the Navy in the new Nixon Administration and the *Union-Tribune* pulled out all the stops for the GOP. President Eisenhower's unguarded remark, "If you give me a week, I might think of one" (when asked for an instance in which he accepted Nixon's advice on a major decision), received page one play in papers from coast to coast but never found its way into print in San

Larry Remer is a free-lance writer in San Diego.

Diego. A Kennedy campaign visit which drew the biggest crowd in San Diego history was played on the bottom of page one, while a banner lead spoke of a Nixon campaign appearance — in New York. Counts of column inches afforded each candidate in the week before the election showed Nixon leading by almost ten to one. And a last-minute, page one editorial from Jim Copley and a host of retired admirals tied U.S. missile strength to a GOP victory. It was one of the most flagrant displays of editorial partisanship by a major U.S. daily in modern times. And it worked. Nixon's margin in San Diego carried California. It was the only major urban area that Kennedy did not win.

Throughout the sixties the *Union-Tribune* trumpeted the American cause in Vietnam. Stories which damaged the credibility of the Johnson and Nixon Administrations' war efforts received short shrift. So did anything which reflected positively on the social and political upsurge of that decade. Andy Makarushka, a former *Union* reporter and assistant editor, recalls one poignant incident which is typical of many others he and other *Union-Tribune* reporters experienced.

"It was late in the spring of 1970," Makarushka recalls. "In fact, it was a couple of days after the invasion of Cambodia and the killing of four students by the National Guard at Kent State. A young student named George Winne from the University of California at San Diego walked into the middle of the campus in the late afternoon and took out a can of gasoline which he doused himself with and then lit on fire. Nearby he had placed a placard which stated simply, 'End the War!' Well, I was on the desk handling the story as reports came in from the hospital. We had to put the paper to bed at 11:30 and the kid was still clinging to life. I told my editor that I felt the story should run on page one. In response, he said, 'He isn't dead yet.' Well, he died at 2 in the morning and the story played inside."

In the late sixties and early seventies it fell to the local underground press to report those stories the Copley papers were refusing to print. San Diegans first learned that their town's most influential banker, C. Arnholt Smith, was under investigation for fraudulent loan practices in the pages of the *Street Journal*, a brash, irreverent tabloid which opposed the war in Vietnam and the corrupt establishment it said had started it. Later, when right-wing vigilantes attacked the *Street Journal*, shattering its windows with gunfire, firebombing cars belonging to its staff, and burglarizing and ransacking its offices, the Copley Press uttered not a word, even though the right of another newspaper to publish was under attack.

Shaking the cobwebs

So when Helen Copley told her reporting staff that the Copley sacred cows had been slaughtered, the news was greeted with wide praise in many quarters of San Diego. In short order she brought in a new editor for the *Union*: Jerry Warren, a former Copley reporter who had left San Diego in 1969 to join the Nixon Administration as a deputy press secretary. Charged with shaking the cobwebs out of the paper, Jerry added Peter Kaye as associate editor, another old Copley hand who had spent the past few years working for GOP politicians — Gerald Ford and 1974 gubernatorial candidate Houston Flournoy. He also added a new city editor, J. D. Alexander, a former *Washington Post* editor who's been charged with developing a modern, professional reporting approach among the news staff.

But her most popular move came when Copley shunted aside the *Union-Tribune's* director of news and editorial policy, Lt. General Victor H. "Brute" Krulak, USMC (ret.). During the last years of Jim Copley's bout with cancer, Krulak had been the *de facto* publisher of the papers — a

responsibility he undertook with the desire to "sell our point of view as hard as we can." Krulak had come to the Copley papers in 1968 after he had been passed over for the post of Marine Corps commandant because he was too hawkish. An architect of U.S. Vietnam policy under both Kennedy and Johnson, Krulak was reviled for trying to run the papers like the Marine Corps.

Copley's changes in editorial management quickly reflected themselves in the paper. Coverage began to open up and get brighter. Stories which would have previously been buried or cut began to appear in the papers. The *Tribune* ran a set of articles that forced the resignation of the police chief. A *Union* reporter was cut loose to do an extensive series on the local pornography and massage parlor businesses. Another did a long series on the future of the local economy and on redlining. Articles have appeared on the crisis of local leadership, the need to refurbish San Diego's old, decaying downtown area near the harbor, and even on the travails of local businessmen who have run afoul of the law.

The reporting staff seems satisfied that few limits remain today on coverage. If they come across a story, they're reasonably confident it will get to the paper. On the state and national scene, Copley News Service has been assigned to cover the Congressional and legislative delegations, and the *Union* has added a reporter to its Sacramento staff. The *Union* has also begun to carry the New York Times News Service to bring depth and breadth to the analytical side of national and international reporting, and the *Tribune* has recently undergone a face-lifting to add more color and feature stories. Editorially, the papers have abandoned knee-jerk Republicanism and have endorsed aspirants from both major parties in recent elections.

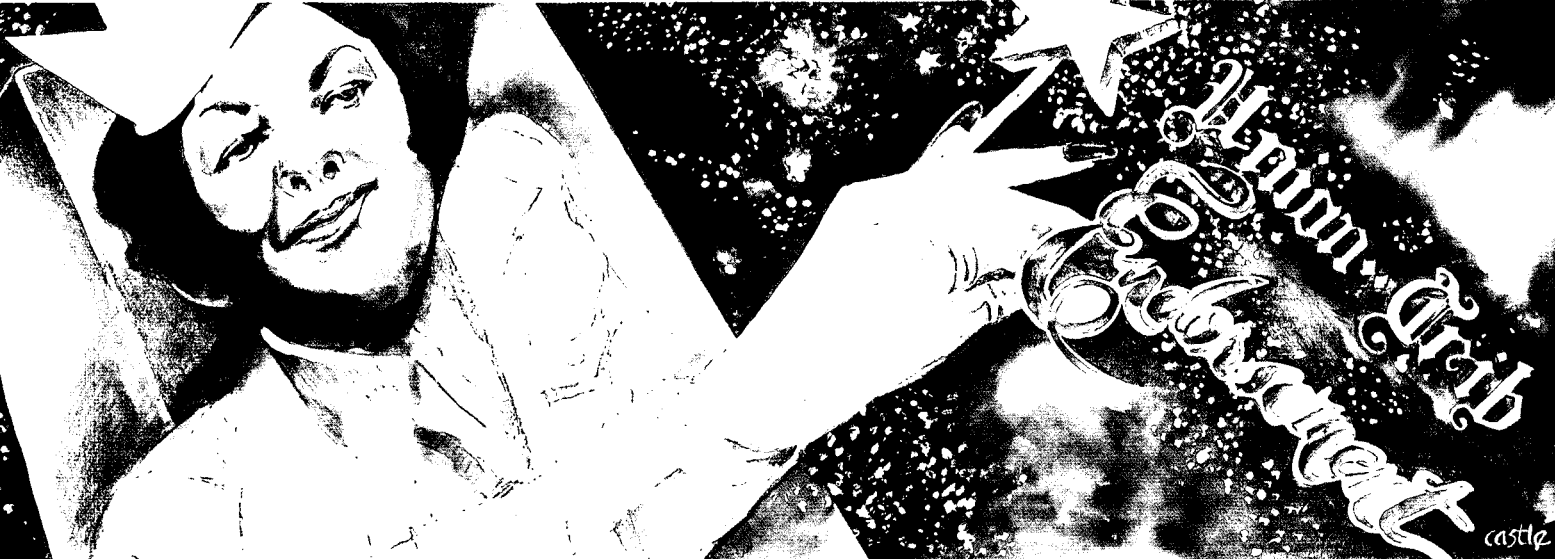
The guiding force behind all these changes has been Helen Copley, who is taking a keen interest in the editorial content and day-to-day management of the *Union-Tribune*. She attends editorial board meetings regularly, suggests areas for coverage and even reads certain stories before they appear in the papers. Her curious mixture of warmth and directness has charmed and disarmed some of her staunchest critics.

"She's bright and understanding and the papers are less partisan than they used to be," notes County Supervisor Jim Bates, the senior local elected Democrat. "The change has been good and positive. They still have a point of view, though, and I'd like to see them allow direct rebuttals on issues the way they do on radio and TV."

As publisher of the only daily papers in town, Helen Copley has a lot of political and economic clout. A recent story on the local power structure in *San Diego Magazine* by veteran reporter Harold Keen placed her as the queenpin in a triumvirate of power. The other members: Mayor Pete Wilson and financier Richard Silberman, recently appointed Governor Jerry Brown's secretary of Business and Transportation.

The Copley-Wilson-Silberman axis developed in the past few years largely because the principle of "controlled growth" has become a guiding postulate in the region's decision-making. Like much of the rest of the state, San Diego has been coping with ways to accommodate an ever-increasing population without succumbing to the ills associated with sprawl and unchecked development. When Wilson ran for mayor in 1971 on a "controlled growth" platform, he was considered a heretic by some of the more conservative elements of the GOP, especially builders and contractors who long had had a free reign at city hall. So Wilson sought support from moderate Democrats like Silberman, who then headed the San Diego-based Southern California First National Bank (which he and his partners later sold to the Bank of Tokyo).

Wilson appointed Silberman to head the Center City De-



velopment Corporation, the body charged with designing an urban renewal scheme to lure business and offices from the suburbs back downtown — the centerpiece in the strategy of “controlled growth.” After Copley became *Union-Tribune* publisher, her papers added their voices to the chorus promoting downtown redevelopment, thereby solidifying the political base necessary for its implementation.

Copley may have been motivated by concerns other than civic pride here. The first parcels of land to be purchased by the city for renewal belonged to the Copleys — the site of their former downtown offices.

The queen bee

The emergence of Helen Copley as the queen bee of San Diego's social and political life has been duly noted on the city's gossip grapevine. As the most eligible unmarried woman in town, her friendships and liaisons have been greeted with more than passing interest. So it was last winter when word leaked out that Helen was dating Dick Silberman. Speculation ran rampant as to what the papers might be like if he took over. But Copley assured all inquirers, quietly but firmly, that she would be running the Copley Press under any and all circumstances — and that, in her friendship with Silberman, they didn't interfere with one another's businesses.

Nobody watched these developments more closely than Pete Wilson, who had hoped to garner both Copley and Silberman support in his bid to unseat Jerry Brown next year. But Silberman, who first met Brown during the Governor's brief presidential effort last year, has become a close confidant and business adviser of Brown. He's also acted as a go-between for Copley and the Governor, arranging on several occasions for the two of them to meet and get to know one another.

For her part, Copley states firmly that her friendships won't have anything to do with which candidate the papers decide to endorse in 1978, should Wilson get the GOP nomination. “I'll endorse the candidate I think is the best one,” she says evenly.

Copley has an acknowledged ability to turn back tough questions with simple, disarming honesty. She offers no complex justifications and doesn't straddle issues. If a point is made which she hasn't seen earlier, she's open to it — and that may explain in large part why the papers seem to have lumbered out of the Middle Ages and into the 20th century under her direction.

However, the fact remains that the Copleys have a daily newspaper monopoly in San Diego. Local television and radio news efforts pale beside that of the *Union-Tribune*, which employs more than 300 editorial employees and covers every local governmental agency every day. Moreover, critical reporting is still largely a function of print journalism, especially on a local level, because TV and radio simply do not

have the time and the resources to take an in-depth look.

Thus it is inevitable that the way an issue is covered in the Copley papers often dictates how it will be perceived by the public. The papers may be more open and contemporary than before, but there are still a lot of abuses arising from the lack of competition and the desire to please the boss — in this case, Helen Copley.

On one occasion, she called the *Tribune* newsroom just after a page-one story had bannered the news that Dick Silberman might not be able to accept an appointment in the Brown Administration because of a conflict involving a series of liquor licenses that he held. “I knew that the story was wrong because I'd had dinner with Dick and the Governor the night before,” she says. “The facts just simply weren't right. I wanted that reporter taken off that story. But the editors overreacted. They shut down the presses and made some changes.” Copley may have been right about the facts in this case, but in a city which has long seen its newspapers protecting the powerful from criticism, such events are hardly comforting.

Treading lightly

Moreover, it seems that in the middle and lower levels of the paper, the editing and writing is being done with an eye to Helen's tastes and friendships. A *Tribune* piece on whether or not Mayor Wilson's gubernatorial efforts have hindered his effective performance as mayor was written, handed in — and not run. On the *Union* side, a piece on homosexuality was axed after Helen saw it and decided that it was “in bad taste.” Reporters declare that they tread lightly around community projects which boast Copley or one of her executives on their boards — particularly the symphony, the University of San Diego, and Scripps Institute of Oceanography.

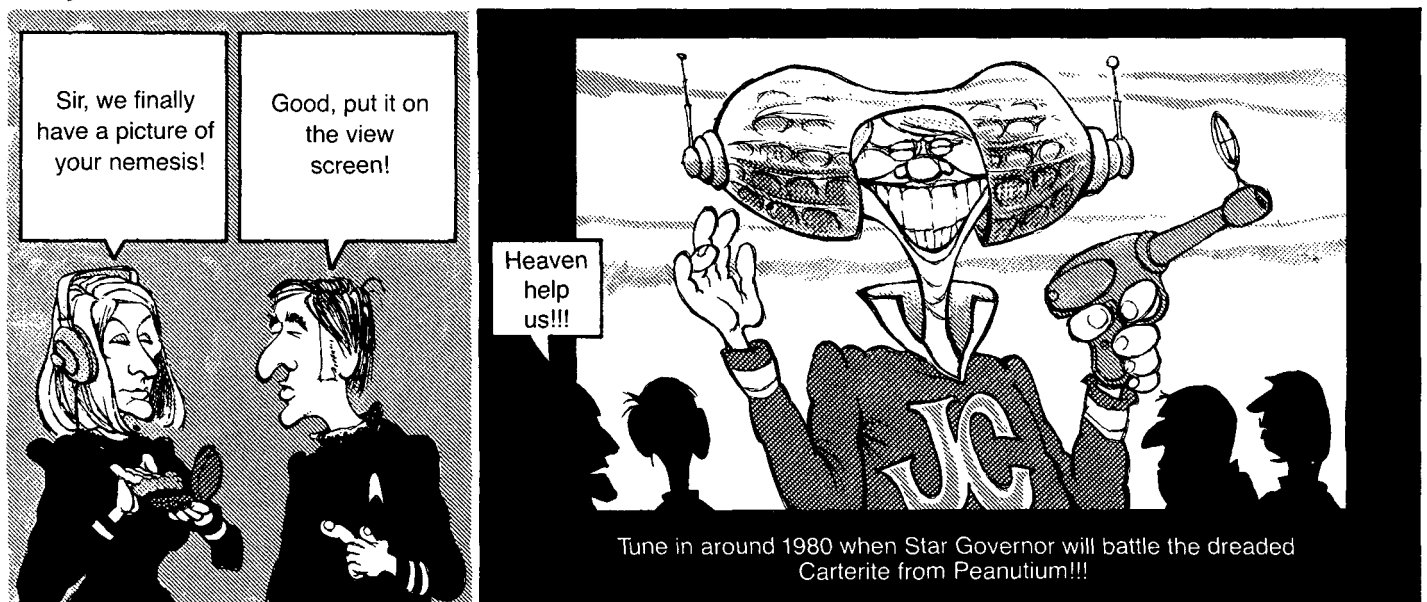
Even more importantly, there has been a noticeable unwillingness by the papers to tackle big investigative projects, despite assurances from the editors that such articles would be forthcoming under the new leadership. The only exception has been the occasional efforts of M. J. Lagies for the *Tribune*, and it was Lagies who was upbraided by Copley for his reporting on Silberman. An investigative team has yet to be assigned to look into the luxury La Costa Resort and Country Club in San Diego's north county which, according to CBS News, was built with Teamster money by individuals with syndicate connections. Copley is a member of La Costa Country Club.

Four years after Jim Copley's death, his widow is firmly in charge of the Copley Press and seems to be enjoying it. She resigned from several boards outside of San Diego so she could devote her full-time efforts to the papers. But there is still the question whether she has eliminated sacred cows from the San Diego newspapers or simply replaced her husband's with her own.

These are the voyages of the Starship Administration! Its four year mission: To explore new voting blocs, to boldly go where no California Governor has ever gone before!!!

STAR GOVERNOR

Captain's Log, Star Date 1977:
My Administration is gearing up for battle with an insidious enemy, a force I have yet to meet . . . my nemesis!!!



Written, produced and directed by Lee Everett Judge

YOU ASKED FOR IT . . . YOU MAY GET IT . . . TOYOTA

Brown's quick switch on multinational taxation

By CAROLYN STREET

In Washington only a few months ago, the Brown Administration urged the United States Senate not to ratify a proposed treaty with Great Britain that would prevent California from using the so-called unitary method of taxation in collecting revenues from British companies.

In California nowadays, Governor Brown and members of his cabinet are attempting to repeal the unitary tax in an effort to lure a Datsun, Toyota or Honda assembly plant to the state. Governor Brown said his earlier opposition to the treaty was based on "flaky data." Referring to the letter he wrote to the Senate Foreign Relations Committee opposing the treaty with the United Kingdom, Brown said recently, "If someone asked me to write the letter now, knowing what I know now, I would not."

What intervened? Brown has launched a counterattack against labor-industry charges that his administration is responsible for an adverse business climate in the state. Specifically, Brown traveled to Japan in a personal appeal for an auto assembly plant, and he learned of the problem posed by the unitary tax in discussing California investment with foreign corporation executives.

What is the unitary tax, and why is it so unpopular with multinational corporations? Under this system of taxation, pioneered by California, the worldwide operations of a corporation — not just its California subsidiaries — are used as a basis for state taxation. Under the system employed by the federal government and some states, only the income of the local subsidiaries is subject to local taxation.

More than money

State Controller Kenneth Cory, chairman of the Franchise Tax Board, opposed the U.K.-U.S. treaty before the Senate committee. (To Cory's delight, Senator S. I. Hayakawa accused him of having "a small shopkeeper's mentality.") Cory delivered to Chairman John Sparkman of Alabama a letter from Brown, claiming that the treaty would "take over \$100 million from the state of California and give it to certain multinational corporations. This is not only bad government, but also infringes on states' rights." The tax board later set the loss at \$125 million, and this was based on the assumption that it would not be practical to exempt only British firms from unitary taxation.

(Alaska stands to lose much more than California from the treaty with Great Britain — an estimated \$400 million — because British Petroleum is one of the leading developers of North Slope oil.)

Martin Huff, executive officer of the Franchise Tax Board, claims the battle is not simply over \$125 million a

year but the principles involved in the rival methods of taxation. The unitary system is preferred by accountants, and the federal separate-accounting method is the favorite of corporations. California's unitary law has become the model for a 22-state organization called the Multistate Tax Commission. Advocating the California system, the commission over the past five years has induced 30 states to abandon separate-accounting laws.

The federal Internal Revenue Service assumes that each subsidiary of a multinational corporation is an independent entity, with revenues distinct from those of the parent. Suppose a Japanese automaker established a California subsidiary. At least at first, the California operation would probably lose money. Under the IRS system, the subsidiary would be a tax write-off for the parent corporation. But auditors in California complain that the California subsidiary need never show a profit. If taxes in California were high (and they are), the Japanese firm could charge its subsidiary artificially high prices for materials.

The oil companies are Cory's favorite example of multinational firms that show their profits where taxes are lowest. He claims an oil corporation will charge its California outlets high prices for overseas petroleum, and the books show the foreign wells making good money while the California subsidiary has a small income. The IRS attempts to eliminate this so-called creative accounting by analyzing transactions between subsidiaries. But even IRS auditors hate the separate-accounting method because it is almost impossible to determine the fair market value of partially assembled automobiles or electronic machines.

Eugene Corrigan, executive director of the Multistate



Carolyn Street prepared this article as a Journal intern from the University of California at Santa Cruz.

Tax Commission, explains: "Nobody understands the separate-accounting method. Right now, I'm auditing a grain company that sells at a loss to its own South American subsidiary (and thus picks up U.S. grain subsidies). The grain winds up in Russia and the profit wound up in a Swiss bank, earned by a Swiss subsidiary, according to the company. You tell me, was the income made in the United States?"

The California Franchise Tax Board decided 10 years ago that it was a practical impossibility to analyze all these intracompany transactions. The board figures that if a corporation has a certain percentage of its sales, assets and payroll in California, the tax should be based on that percentage. Thus the unitary system was born. Now, the state bases its levy on an average of those three figures — percentage of payroll, assets and sales in California. This has led to loud protests that the state has no right to demand figures about worldwide sales, payroll and assets from a corporation headquartered outside the state.

A stickler at work

Corporations are especially upset because Huff has been a stickler in applying the formula. ARAMCO, for example, maintains a staff of 20 in California. In order to complete its California tax forms, ARAMCO must calculate its worldwide figures, and that involves a tremendous amount of paper-

work, including conversion of foreign books into dollars. ARAMCO's California operation is a miniscule proportion of the whole, yet its taxes here exceed the salaries of the staff of 20. And ARAMCO claims it earns nothing in California.

Multinational firms feel they are the victims of creative accounting, since they pay lower wages in foreign countries. They have large payrolls and American research facilities in their home offices, but they make the greatest share of their profits in foreign subsidiaries where labor is cheap. Cory has suggested that exemptions be made for corporations caught in extreme distortions, but hard-liner Huff says that as soon as a loophole is made for one firm, all the others will juggle their books to fit through it.

The corporations would like California to base its tax on the percentage of a firm's nationwide, not worldwide, income that is made in California. Actually, they would prefer that the unitary tax be abandoned totally, but that does not appear to be in the cards. Huff and Corrigan claim that national boundaries are irrelevant and that worldwide operations should be the basis for taxation.

Only Alaska and Oregon now enforce the worldwide unitary formula aggressively. Other states are heading in the same direction, but most of them are still using the modified approach, basing taxation only on operations within the United States. Multinational corporations are fighting hard against the trend in state capitols and in the courts. Some are adopting the tactics of the Hong Kong Bank of California, threatening to withdraw from the state unless the system is changed. Others are playing off one state against another in the competition for industrial investment. This has produced opposition to the unitary tax from Richard Silberman, California secretary of Business and Transportation, and Tom Quinn, chairman of the Air Resources Board, following plant-hunting trips to Japan. Says Quinn: "We have to abolish the unitary system if we are to compete effectively with other states for clean, job-intensive industry." Thus far, these statements have not convinced William M. Bennett, chairman of the state Board of Equalization and a member of the Franchise Tax Board. Bennett has said he refuses to yield to the "propaganda" campaign.

Brown's position

The Governor has not quite gone all the way over to urging outright repeal of the unitary system. He claims some corporations are moving operations out of California to avoid taxation, and he cites Bechtel as an example. He has questioned whether the income from the tax is worth the job loss. Brown says a key problem is that the Franchise Tax Board seems to be keeping figures "locked up in its little black box" and thus it has been difficult for him to make a decision. Huff has been under attack from Bennett and Cory for the close-to-the-vest way he deals with information about the operations of his agency.

"Huff is in love with the unitary system," charges the Governor — who loved the same girl only a few months ago. Huff has not convinced Brown that California would lose a great deal of money by adopting another formula. The Administration has been slow in developing a consensus, but Silberman and Quinn seem to prefer the so-called "water's-edge system," eliminating foreign operations from the formula.

Meanwhile, what is California's position on the United Kingdom treaty? Brown's new stand has neutralized U.S. Senator Alan Cranston, who had been expected to lead opposition to the pact. Now unwilling to support the merits of the unitary tax, Brown soon may even decide that the treaty wouldn't infringe on states' rights, either. The Governor's record as a political scabback, specializing in the quick reversal of field, remains intact.

What the critics are saying about Lou Cannon's new book, REPORTING: An Inside View

- **A book that ought to be read by ALL newspaper readers.**
— Tom Parsons, Pine Bluff (Ark.) Commercial
- **Less simplistic and less sanctimonious than the criticisms offered by many less experienced insiders.**
— Martin Smith, Sacramento Bee
- **A good book about journalism, not a polemic.**
— Michael Robinson, Washington Post
- **A thoughtful survey of the changes imposed on the reporting of daily printed news.**
— John Barkham, syndicated reviewer

In this 320-page new book by *Washington Post* reporter Lou Cannon, you can read about what's going on behind the scenes in the news business after Watergate. The *California Journal's* former Washington correspondent tells about the "cozy coverage of Congress," "countinghouse publishers," the CIA-newspaper suppression of the Glomar submarine search story, "presidents and other manipulators," and the frustrations of the men and women digging for news. It is fascinating reading for anyone interested in the coverage of public affairs in America today.

REPORTING: An Inside View can be ordered from the **California Journal Press**, 1617 10th St., Sacramento 95814. The price is \$10.55 hardback and \$5.25 softcover, including tax.

The end of Sacramento's 10-year abortion vacation

Will abortions for the poor be the major emotional issue of the 1978 session of the Legislature? Debates over the termination of pregnancy have been relatively tame in Sacramento since the enactment of the Beilenson Therapeutic Abortion Act a decade ago, and since that time Pro-Life forces have concentrated their efforts on the three branches of the federal government. Those efforts have met with success in Washington, and federal funds have been cut off under the Medicaid or Medi-Cal programs. This gives the anti-abortion interests an opportunity to block state funding of abortions for those on welfare. Precisely how the battle will shape up next year will depend on what Congress, the Carter and Brown Administrations and the federal courts do with the issue during the coming months.

The federal-state Medi-Cal program paid for about half the 142,593 abortions reported in California last year. For the current fiscal year, costs are estimated to be \$31 million — and the state is losing an allocation of \$28 million as a result of the action in Washington. Governor Brown, who claims abortions should be available to the poor if they are available to the rich, has indicated that the state will fund the entire program, at least temporarily. Under current law, the state cannot terminate a Medi-Cal service without giving 10 days' notice. Brown has said he has no intention of giving that notice.

Moving into action

But as soon as the federal government cut off funds, both sides moved into action. State Senator Arlen Gregorio pushed legislation to appropriate the \$28 million. The Planned Parenthood Affiliates of California, which is spearheading the defensive maneuvering against the Pro-Life forces, didn't want a legislative showdown on the issue and suggested that the bill be withdrawn as unnecessary in the wake of Brown's announcement. Then Assemblyman Eugene Chappie tried to tack an amendment onto the Gregorio bill, designed to prevent the Department of Health from using any family-planning funds for abortions. But this flurry of activity came too late in the

session to blossom into full-scale legislative warfare. It will probably be a different story next year.

Some background

How did the football get thrown back in California's arena? To understand that requires a brief chronology of the key events in the state-federal abortion scenario:

1967 — *California approved the Beilenson Therapeutic Abortion Act, allowing termination of pregnancy under certain conditions, including danger to the mental health of the mother.*

1973 — *The United States Supreme Court ruled in Roe v. Wade, that the Beilenson bill and similar legislation was too restrictive. This case has been interpreted as validating "abortion on demand" for any woman in the first three months of pregnancy, so long as the abortion is performed by a doctor.*

1976 (September) — *Congress enacted a Health, Education and Welfare-Labor appropriations bill containing the so-called Hyde amendment. That amendment, sponsored by Representative Henry Hyde of Illinois, states: "None of the funds contained in this act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term."*

1976 (October) — *Federal District Judge John F. Dooling of New York issued an order preventing the Hyde amendment from going into effect.*

1977 (June) — *The United States Supreme Court ruled that states are not required to provide abortions under Medicaid.*

1977 (August) — *Judge Dooling's order was lifted, and the Carter Administration cut off federal funds for abortions.*

The Hyde amendment immediately became a central issue in the HEW-Labor budget for the coming fiscal year — as it probably will be for years to come. But the practical effect of the amendment is to put the cost burden of abortions for the poor on the shoulders of 50 state governments. Governor Brown is already taking heat from the

Catholic Church and other elements of the Pro-Life Council for not cutting off abortion funds. On the other side, advocates are pushing for a stronger, more permanent commitment from Brown.

Drawing the battle lines

Unless the federal government relents, the Legislature will be debating its own Hyde amendment next year. The most active anti-abortion lawmakers have been Democrat Alister McAlister, a Mormon, and Republican Mike Antonovich, a Lutheran. The most powerful member of the Legislature is Assembly Speaker Leo T. McCarthy, an anti-abortion Catholic who has kept out of the battle thus far.

Pro-Life forces, with some 143 lobbyists in Washington, have managed to take the offensive on the issue after many years of retreating. In California, Pro-Life President Raoul Silva, a self-educated Chicano, directly attacks the heart of Brown's argument that there should be no discrimination based on wealth. Abortions, Silva claims, are a form of genocide against minority poor. "Brown wants to fund abortions to avoid the social costs of unwanted indigent children," he declares.

Planned Parenthood executive director Norma Clevenger argues that the Hyde approach would not prevent abortions among the poor but would instead send many women back to the backrooms, where their lives would be endangered by incompetents. Neither would there be any tax savings, according to Clevenger, since those women who do not risk the backrooms undoubtedly would bear unwanted children. Planned Parenthood has compiled statistics showing that it would have cost \$464 million for the state to provide one year's care for children in lieu of the abortions performed under Medi-Cal last year. If only 10 percent of these women bore children, the cost would have been \$47 million — far more than the cost of the abortions.

It appears that the emotional issue is back in Sacramento for at least a visit and perhaps residence, and there may be no way for most candidates to avoid it next year. C. S.

'HUMBLE FARM BOY FROM IOWA'

Manatt, etc. — number one on the legal-political hit parade



By DAN BLACKBURN

An astute observer of California politics once commented that if all the so-called leaders of the state Democratic Party were placed on a barge, towed into the middle of San Francisco Bay and sunk without a trace, the only votes affected would be those of the people aboard the barge. Unlike their counterparts in the Republican Party, where the Reagan wing retains control most of the time, California Democrats often present a kaleidoscope of shifting allegiances, linked only temporarily to issues or personalities.

Under such circumstances, the most influential politicians in the state may not even hold elective office. They are people with the background, knowledge and insight to read the shifting political patterns and make some sense out of them. More often than not, they practice politics as a hobby, but they do so with an intensity that others devote to such leisure-time activities as golf, tennis or trout fly-tying. Given the historic interrelationship between the pursuit of politics and the practice of law, it is not surprising that most of these aficionados of California politics are attorneys.

A survey of both attorneys and practicing politicians lists four California law firms as the most "political" in terms of the Democratic Party. The four, in order of generally agreed ranking, are Manatt, Phelps, Rothenberg, Manley and Tunney; O'Melveny and Myers; Wyman, Bautzer, Rothman and Kuchel; and Jacob, Sills and Coblenz. The first three are based in Los Angeles; the fourth is in San Francisco. Their ranking reveals quite a bit about the changes in California politics as practiced on the Democratic side.

Dan Blackburn is an NBC radio correspondent in Los Angeles.

All but the Manatt firm have long been associated with the inner workings of the Democratic Party. Until recently, the huge O'Melveny firm would have headed the list, with such members as Warren Christopher and Alan Kreps. But Christopher has departed to become Undersecretary of State in the Carter Administration and Kreps has joined the staff of U.S. Senator Alan Cranston as a foreign policy specialist. O'Melveny's firm remains one which is likely to produce the political insiders of tomorrow. But the young Manatt firm is generally credited with producing the insiders of today and, perhaps, for some time to come.

Politically 'hot'

In 1974 there were only 8 attorneys in the firm headed by Charles Manatt, who was then in between stints as chairman of the California Democratic Party. This fall the firm will number 48 — an unusual six-fold growth in a three-year period. Some of that growth must be attributed to the fact that the firm is viewed as politically "hot." Key members of the firm tend to play down this aspect of their growth but do concede that a politically ambitious young attorney is likely to find their Century City operation attractive.

In addition to Manatt, the senior partners in the firm are Thomas Phelps, Alan Rothenberg, Marshall Manley and John Tunney. With the exception of Tunney, the names ring no special political bells, although all have been in varying degrees on the fringes of major political activity. Tunney, of course, adds a great deal of political luster to the firm. The former senator acknowledges, "My presence does enhance the firm's image as one of political sophistication." It is a role previously played by former U.S. Senator Thomas Kuchel — a Republican — who joined the firm of the late Eugene

Wyman following a losing bid for reelection.

Like his partners, Tunney seeks to draw a distinction between how the firm is perceived and what it actually does. He says, "We're not a lobbyist firm at all. We've got 40 banks that are clients of the firm and that has nothing at all to do with politics. City Investing Corporation is our single largest client. The vast majority of our work is pure legal work and not administrative law. That's one of the reasons I joined the firm. I did not want to become a political shotgun, a lobbyist. I was tremendously impressed to hear that we have practically no clients who were political associates of Manatt."

As a matter of normal practice, law firms do not make their client list public. But from what can be determined, Tunney's statement is essentially accurate. The best estimate available is that about 10 percent of the firm's current business springs from its political attractiveness in the eyes of some clients. Many of them are actually Republicans seeking to have a foot in the Democratic camp so long as the Democrats are in power in Sacramento.

The political nucleus

In point of fact, there are not that many politically active members of the firm, but the relatively few lawyer-politicians are considered unusually skilled. The 41-year-old Manatt tops the list. Having served two terms as state chairman, he is currently a Democratic national committeeman from California and a member of the Democratic National Committee's executive committee. Next in line is Tunney, followed by 37-year-old Mickey Kantor who managed both the reelection campaign of Senator Cranston and the presidential bid of Governor Edmund G. Brown Jr. Two others belong to the political nucleus: former Assistant U.S. Attorney Brian O'Neil, who was among the recent finalists for the top job in that office, and 28-year-old Peter Kelly. Kelly is the newest member of the group but a past executive director of the state Democratic Party. He reflects the thinking of many of the new attorneys now gravitating toward the Manatt firm: "Someone who wants to combine law and politics would find this firm helpful. It's an advantage to be here because of the depth of the background of the people in this firm. The legal background of the people here is on a par with any firm in this town. That's a point outsiders sometimes miss."

A case in point is Mickey Kantor. He was national director of research and development for the Legal Services program under the Office of Economic Opportunity, and through OEO became friendly with Kennedy in-law R. Sargent Shriver. Further, because of those years in Legal Services, Kantor now finds he has many friends in federal agencies and on the White House staff. Kantor has mixed feelings about having the law firm identified as political. He says, "It bothers me that people don't focus on how well we practice law, rather than on our political activity. It's got to get to you after a while."

In part, the problem is one of definition. Until fairly recently, a political law firm was one which engaged in lobbying and political wire pulling. Often, the head of the firm was a highly successful fund-raiser. Eugene Wyman was a prime example. But the arrival of Proposition Nine in 1974 means much of California politics now operates under new and more restrictive rules. People in and around the Governor's office insist that at no time has anyone from the Manatt firm telephoned and tried to exercise any political influence on behalf of a client. Air Resources Board chairman Tom Quinn — a longtime Brown political strategist — says he doubts that Manatt's political connections have produced any direct benefits. "From what I've seen, he leans over backwards to make it clear to clients that they are not buying a lobbying

operation but a top-flight law firm. I have not heard of any effort to use political influence. I am sure that Manatt's visibility in Democratic politics has been helpful. But I'm also sure his reputation as a top-flight attorney has been important."

Brown chief of staff Gray Davis agrees: "There's no question that they represent a considerable repository of political knowledge. I would not quarrel with a description of them as the most politically knowledgeable at this time." Another Sacramento insider explains: "They know all the players in the Legislature, all the committee chairmen and how things work. They simply know the most effective pathways through the legislative and executive maze, and that can be of enormous benefit to their clients."

The key figure

Obviously, the key to the firm is Manatt, himself. In May he served as cochairman of the politically important Democratic Congressional Dinner in Washington. Asked if he considers himself one of the most influential members of the Democratic Party in the West, Manatt answers with an emphatic, "Yes, sir." That is quite a step for someone who still refers to himself — albeit somewhat tongue-in-cheek — as a "humble farm boy from Iowa."

There are some observers who view Manatt differently. One high state official says, "Chuck is a master at creating the impression of access." A politically active attorney with another firm observes, "Chuck is a very good salesman. He gives the impression he has better relations than he actually has. Chuck has made a very good thing out of politics, and that has contributed considerably to the rapid growth of his firm."

However, most participants in the Democratic political parade admire Manatt. Political consultant Joseph Cerrell says, "If I were advising someone outside of California on what to do in the state, I'd say they wanted to talk to Jerry Brown because he is the Governor and to Lew Wasserman about financing — but for an over-all, all-around person, they should talk to Chuck Manatt. He is an outstanding fund-raiser. He knows the political climate in the state. Manatt is a must for an over-all view of the situation."

Manatt says he did not set out to establish a team of political practitioners within his law firm. He contends, "From my standpoint, political activity is an avocation. The building of the quality of the firm is separate." Yet, Manatt also says, "The nature of our group of lawyers, their age, results in a more modernistic approach. We encourage *pro bono* and community work." And that leads easily into politics.

In the traditional sense of a political law firm, the Manatt firm may not fit. Ordinary lobbying is not part of its services. Nonetheless, there are those who say the firm has more political clout than any other west of the Mississippi. And in the computer age of politics, the firm of Manatt, Phelps, Rothenberg, Manley and Tunney ranks number one on the legal-political roster because its members know how to read the print-outs. 

Attention:

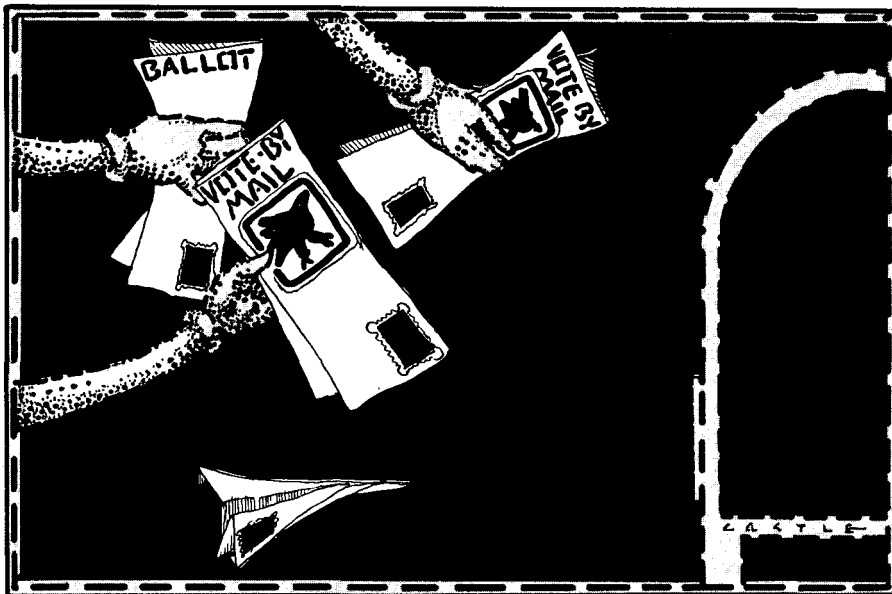
Double-Cross puzzle fans

The error in last month's puzzle wasn't designed to find out how many of you do the Political Double-Cross. It was an honest error.

Clue R. should have been "origin of dirty water," and the answer should have been "non-point source."

MUNICIPAL BALLOTING NEXT?

The special-district elections without voting booths



By JERRY RANKIN

On September 6th, thousands of Californians voted for the people who run the special districts that put out fires, flush away sewage and kill mosquitoes — and they never saw the inside of a polling place.

There weren't any.

The Legislature wanted it that way. So did the people who run the elections. And everyone who voted had the chance to help decide whether all future elections in those districts should be conducted entirely by mail. Results of that unusual poll may provide the impetus for expansion of mail elections. At least it will provide legislators with figures on how thousands of voters feel about voting in their living rooms.

The September balloting was an experiment set up by the Legislature as a local-option affair. Most voters in the state's 4,000 special districts — those who bother to vote — still will journey to their school, church or neighbor's

garage next month under the Uniform District Election Law (known as UDEL in the elections world).

But last month, a total of 12 special districts conducted mail-only elections. Six of those were districts in which only landowners were eligible. The other six — where 13,253 voters qualified to vote — were in Alameda, Contra Costa, Orange, Riverside, Amador and Solano counties.

And earlier this year, in April and May, more than 22,000 residents of Monterey and Alameda counties cast ballots entirely by mail in important tax elections. A national newsletter on election developments — *Election Administration Reports* of Washington, D. C. — said recently that the Monterey election is believed to be the largest all-mail election ever in the nation's history.

Results? Voter turnout was up, and taxpayer costs down. The experiment should encourage the Legislature to expand all-mail elections, says Bruce Bollinger, consultant to the Assembly Elections and Reapportionment Committee. "Armed with this additional

evidence that mail balloting works, we could tackle more comprehensive elections, particularly where you've got candidates running in addition to measures on the ballot," Bollinger says.

So far, mail balloting is confined to issues, not candidates — with one exception: The Election Code allows mailed ballots in sparsely populated precincts with 30 or fewer registered voters. The code also forbids mail-only elections for governmental bodies with more than 300 registered voters. The Monterey and Alameda county elections could be held by mail only because they came under a section of the Revenue and Taxation Code, dealing with tax issues, rather than under the Elections Code.

Fiddling with elections

But such legal roadblocks are minor compared to the historic difficulty of fiddling with election processes. The tradition of going to the polls on election days is so ingrained that all-mail elections may never reach any higher than countywide races for supervisor and other local issues. Republicans are vigorously opposing President Carter's election-day registration proposal — presumably because they consider it a device to boost Democratic turnout. Similar opposition was voiced when Governor Brown and the Legislature approved do-it-yourself postcard registration last year.

But it should be recalled that it was a Republican secretary of state, Frank M. Jordan, who was one of the strongest advocates of all-mail elections. Back in 1954, he proposed mail elections at the statewide level to the Legislature. He failed to sell the idea, but in 1966 Jordan tried again, predicting that voting by mail would produce voter turnouts approaching 95 percent. Again he failed. Jordan, a man with radical ideas in other areas — he kept his office door open so the public could actually see and talk to him —

Jerry Rankin is a political writer for the Santa Barbara News-Press.

clearly was ahead of his time.

Overcoming the hurdles

This spring's successes in Monterey and Alameda counties suggest that at least the technical hurdles to mail balloting have been overcome. Here is how they worked:

◦ **Monterey** — The April 26th election was a special one covering 44,848 voters of the Monterey Peninsula. They were asked to vote on two measures: setting a tax rate for a flood control district, and deciding whether to set up a water management district. (Both lost handily.) Some 16,452 persons voted, a "turnout" of 36.7 percent. Kenneth Webb, county voter registrar, notes that in the same area a year before, a special election drew just 20 percent. In a March school board election in the county this year, with about 100,000 persons eligible, only 16.7 percent voted.

The mailed ballot in April cost 40 cents per eligible voter, \$1.33 per actual vote. Costs at previous elections were substantially higher, such as \$3.28 per vote cast at the 1976 special election. Ballots and return envelopes came attached in tear-off fashion to the voter pamphlet, meaning all election material arrived in one package. Ballots went out April 5th and three days later 46 already had been returned. The maximum number arrived April 13th, some 13 days ahead of the official election day when 1,142 ballots were received. The day after the election brought in 750. They were counted, since they were postmarked before 8 p.m. April 26th, but 87 ballots received with postmarks after 8 p.m. were not.

When the ballots arrived, the signature on the outside envelope was compared with the registration signature on file. On Monday, the day before the election, the strips the voters signed were removed from the envelopes by one team of workers. Another team then opened the ballot envelopes with an electric opener and reviewed them for hanging paper that might block the vote-counting machines. Punchcard ballots were used. The ballots then were dropped randomly into regular ballot boxes and taken out for counting on election night.

The assumed potential for voter fraud or for identifying how someone voted were the biggest worries encountered in both Monterey and Alameda counties. In Monterey, Webb reports, "When people wrote me or phoned me with this concern, I invited them down . . . Four came, and after walking through, they were satisfied I could not tie their signatures to a ballot."

In a report to his board of supervisors, which approved the mail ballot, Webb said: "Considering that we exposed approximately 45,000 people to a radical change from past voting procedure and that an entirely new voting system for Monterey County was used for the first time, extremely few complaints were received."

◦ **Alameda** — The May 31st election in Pleasanton was smaller, with 15,000 registered voters and a response of 5,700 or 38 percent. There a property tax increase for public safety agencies lost. The county elections chief, Jim Riggs, says, "Normally I would not have expected more than 30 percent turnout." He and other supporters feel that normally a mail ballot should cut the cost of the election 10 to 20 percent. "We think it's excellent . . . one of the cleanest elections I've ever been involved in. We had a handful of complaints and invited people to watch . . . Nobody did."

Riggs cautions, however: "I don't think it ever is going to be used for primary or general elections. But we can extend it to the low-visibility elections."

The Legislature took a step in that direction last session by enacting the bill that allowed the special districts to move up their November elections this year to September if they were conducted by mail. But the law also required them to ask on the ballot whether district voters want to go to an all-mail system permanently. Those results, once tabulated, should give lawmakers a good gauge of voter sentiment on the idea.

Bob Kirkpatrick, elections division chief in Santa Barbara County, notes

that the Legislature could eliminate the language restricting mail elections to small governmental bodies and thus leave to the counties whether they want to try bigger mail balloting. "The ideal situation would be to try it out on a municipal election or something like that. I'd like to try it in a school district election, where you always get such a damn poor turnout, around 20 percent. I'm sure we could double that."

A big saving in costs would come in not having to pay the inspector and three judges who, by law, must staff each precinct, Kirkpatrick says. In Santa Barbara County the pay is \$35 for the inspector and \$30 for judges. There were 349 polling places in the county in the 1976 presidential voting, or 1,396 people to pay and recruit — an increasingly difficult task, according to elections officials. Eliminating them would save that county \$43,625, which should outweigh the higher mailing and postage costs of an all-mail ballot. But, Kirkpatrick feels, "Even if the mail election increased the cost a bit, but you had twice the turnout — well, what are you really after?"

Of course, having to wait until the day after the election to count late-arriving ballots could hold up determination of the winner in a close election. But few elections are that close. Most would be like the Monterey election, where Webb and Kirkpatrick were locking up the elections office not long after 8 p.m. when local newsmen arrived to get the results.

The results had been ready at 19 seconds after 8:01 p.m. Tabulating the Pleasanton vote lagged a bit. Results there weren't available to the public until 8:21 p.m. 

Only the ALMANAC answers these questions

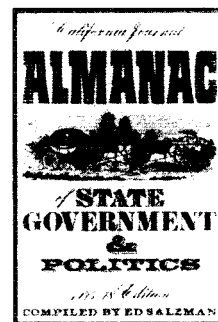
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DECLINE OF THE SUBURBS

California's new migration to the towns of the 'cow counties'

By ALVIN D. SOKOLOW

Along the north coast and in the mountains, families put up homes without plumbing or electricity — and then argue with county inspectors trying to enforce housing codes. East of Placerville, the Apple Hill growers are pushing for large-lot zoning, to keep subdividers from taking over adjacent lands. In tiny Alpine County, there are more persons listed as registered voters than live in the county as permanent residents.

All of these cases reflect a recent change in the growth and distribution of California's population. Since 1970 unprecedented population increases have occurred in small cities and rural communities up and down the northern two-thirds of the state. With the influx of new residents to these small towns have come new political controversies over the control of local government, and over such issues as housing, taxation, land use regulation, water supply, waste disposal and recreation.

The new trend is a sharp reversal of the rural-to-urban migration that typified population patterns for most of the 20th century. More persons than ever before are now leaving the metropolitan areas — suburbs as well as core cities — for the small towns and countryside. The trend is nationwide — for the first time in this century nonmetropolitan areas are growing at a faster rate than metropolitan areas — but especially pronounced in California. In 1970-76 the rate of population increase in this state's nonmetropolitan areas was three times greater than in the metropolitan regions — 18 percent compared to about 5 percent, according to State Department of Finance estimates. While slightly more persons moved to metropolitan than to nonmetropolitan areas during 1970-76 (largely because of continued net immigration into California from other states and countries), the relative sizes of these movements have changed sharply. So far in this decade the metro immigration has slowed to one-

fourth the rate of the '60s, while the nonmetro movement has doubled.

Only six California counties in 1970-76 had net outmigrations (more persons leaving than arriving) and four of them were among the state's largest counties: Los Angeles, Alameda, San Francisco and San Bernardino. With losses of 350,000 and 52,000, respectively, Los Angeles and San Francisco were also the only two counties to drop in total populations during that period. By contrast, 15 small counties which recorded net migration losses in the 1960-70 decade had net gains in the six years after 1970.

The leapfrog effect

Several hundred thousand persons have left the core cities and older suburbs of the Los Angeles and San Francisco Bay metropolitan complexes to live in smaller and less urban communities. Two separate kinds of migration streams are apparent in these moves. One is merely an expansion of classic suburbanization: the continuing extension of urban populations into the semi-rural fringes around the cities. The other kind of migration is more revolutionary and unexpected: the "leapfrog" movement of city dwellers to small towns and rural areas, mostly in Northern California.

More persons are part of the suburbanization stream than of the leapfrog movement. The largest net migration gains of 1970-76 were recorded by the two burgeoning counties of the south state, Orange and San Diego. In the north, Santa Clara County continues to be the biggest gainer, while the Bay Area's population is also spreading north and east into recently rural Sonoma and Solano counties.

But in many ways the leapfrog migration is more significant. As smaller and more rural places than the new suburbs, the communities involved are more vulnerable to outside pressures. They are experiencing the greatest population growth in the state, in terms of percentage increases. On a regional basis, the largest 1970-76 population increases were in the foothill areas of the Sierra and Siskiyou mountain counties (23 percent increase) and in the central



and north coastal counties (18 percent). Smaller percentage increases occurred in the farming communities and small metropolitan areas of the central valleys, although here too the growth rate of the '70s easily exceeds that of previous decades.

Extraordinary increases in 1970-76 were recorded in some of the smallest and most isolated of the mountain and coastal communities — from 46 to 82 percent in Mono, Alpine and Mariposa, all under 6,500 population in 1970. These growth rates were previously exceeded only during the mining, timber and ranching booms of the last century. The population trends since 1970 in many of the rural counties reverse decades of outmigration and population loss or stability.

The migration to these distant locations — as well as the suburban extensions — is the result of the well-known desire of urban dwellers to leave the smog, crowding and pressures of their metropolitan complexes for the green open spaces, clean air and easy living of the countryside. But why the unprecedented and accelerating movement in the past several years to the foothill and coastal areas?

In the exodus

The answer involved some affluence, some poverty, some inflation and considerable lifestyle change — a combination that has developed only since the late '60s. Actually there are at least three kinds of people joining in the urban-to-rural exodus. Some are newly retired couples and singles, some are younger urban dropouts, and others are conventional middle-class families with school-age children.

Apparently record numbers of workers in California's metropolitan areas have retired from their jobs in recent years. Both affluence and poverty are represented among the retirees coming to the small communities. Some arrive with sizable retirement and investment incomes, while others have fixed and minimal pensions. Those with large incomes can afford to purchase five- or ten-acre "ranchettes," keep horses and live like gentleman farmers. Those with small pensions migrate in the belief that living expenses will be less in small towns. They also reside among the pines and cedars — if only in apartments and mobile home parks. Regardless of income, many of the retirees see themselves as returning to the small towns and farms of their youth — even though their youth may have been spent in the Midwest or East.

Many of the urban dropouts are graduates of the hippie and anti-war movements of the 1960s. They are the home-steaders of the 20th century. Eschewing electricity and flush toilets, the dropouts move to even less accessible localities than the other migrants, and attempt to live in a self-sufficient style, relatively hidden from the prying eyes of county building inspectors and sanitarians. Communes and less structured settlements have sprouted in a number of backwoods areas, in such counties as Mendocino and Humboldt on the north coast and Nevada and Tuolumne in the Sierra.

The migration decision is perhaps hardest for the middle-class family of working age. Jobs are not plentiful in the nonmetropolitan counties; if they were, the immigration rate would be even greater. Companies with statewide operations such as Pacific Gas and Electric and Pacific Telephone report long waiting lists for employees seeking transfer to towns like Placerville, Auburn and Grass Valley. But families do make the move to the small towns without guarantees of solid employment, trading off higher and more secure incomes for presumably better schools and cleaner environments.

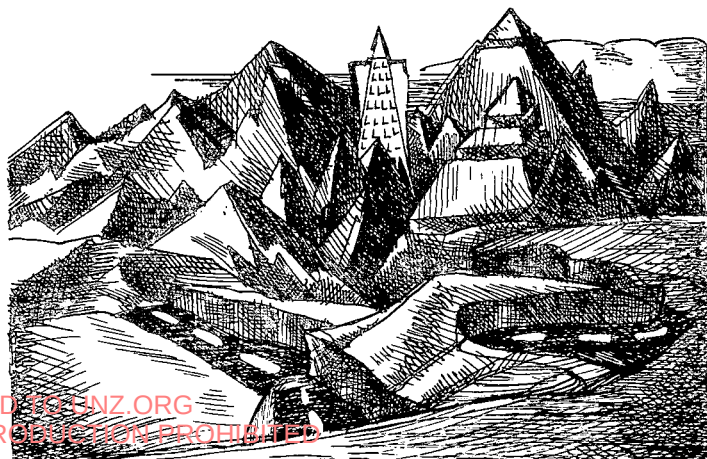
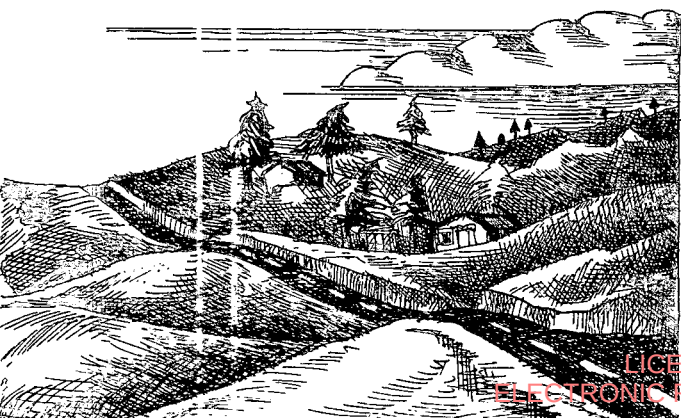
The sacrifice in many cases also requires changes in lifestyles. Some fathers keep their weekday jobs in the metropolitan areas, commuting on weekends to join the family in the country. The commutes are not so inconvenient for a few in specialized and highly-paid occupations, such as the dozen or so commercial airline pilots who live in Amador and Calaveras counties and travel regularly to and from San Francisco International for their four-day flight schedules. Other migrants start new businesses, like ice cream parlors and specialty shops, or find part-time and seasonal employment (and lower their standard of living).

Some retirees and working-age families join the migration after benefiting from housing-market inflation. Stories abound in the small towns of families making a killing in the sale of their Bay Area or Los Angeles houses, investing part of the cash in a new home in the small community and living on the remainder while looking around for new employment or investment opportunities.

Inevitably the migrants create new political tensions and governmental problems — if only because the receiving community is so small and the size of the immigration is so large. In the past, rural communities in Northern California have tolerated and even absorbed newcomers into the mainstream of local life, avoiding the stereotyped tendencies of small towns to accept new arrivals only after a generation or two of residence. But much of this tolerance has been worn thin in the 1970's by the increasingly large number of new residents, and the fact that they bring lifestyles, income levels, and political values which are at odds with local traditions. Old-timer acceptance is not helped by the high profile taken by many newcomers in immediately jumping into local politics — attending and speaking out at council and board meetings, writing critical letters to the local press and even running for public office.

Coping with growth

It becomes increasingly difficult for fragile political systems and overwhelmed local governments to cope with the new conflicts and problems introduced by major population increases. In small cities like Placerville and counties like Butte, councils and boards are stymied, planning commission meetings are arenas for bitter confrontations over growth policy, and efforts are started to recall elected officials. City managers and police chiefs are verbally attacked, and planning, public works and building inspection em-



ployees struggle to process permits with some kind of rational review.

The inventory of local government problems common to the small, growing communities include these issues:

- **Rural housing:** Known as the "great outhouse debate of the '70s," this issue originated in Mendocino County on the north coast and quickly spread to other backwoods locales in the Sierra and Siskiyou mountains, where other urban dropouts also put up do-it-yourself housing. Many of their inexpensive and energy-saving dwellings left out indoor wiring, flush toilets and other conventional features, and thus they were confronted by county building inspectors and sanitarians attempting to enforce standard building and health codes. Led by a group called United Stand, the alternative lifestyle people were successful in 1976 in getting the State Commission of Housing and Community Development to adopt "Class K" guidelines for the relaxation of certain code provisions in rural areas. However, Class K regulations have not been widely implemented by local governments, and hostile encounters between inspectors and do-it-yourself builders still occur. One unexpected effect of this issue has been the alliance in some counties between urban dropouts and long-term residents who are oldstyle conservatives, based on a common dislike of governmental intervention into private lives.

- **Mobile homes:** As another source of relatively inexpensive housing, mobile homes are the "straight culture" counterpart to the do-it-yourself dwellings of the urban dropouts. These units are especially favored by retired couples, and in some rural counties they have accounted for a majority of new housing in recent years. Local government officials are not particularly keen about this popularity because the mobiles do not come under the property tax, and thus produce less in local revenues than conventional houses. Under California law the mobiles are taxed as vehicles by the Department of Motor Vehicles, with a portion of the revenues (sharply reduced with the age of a unit because of quick depreciation) returned to cities, counties and school districts but not to special districts. To reduce governmental costs and because of aesthetic prejudices against this form of housing, the zoning ordinances of most counties and cities encourage the placement of mobiles in mobile home parks in place of single lots — a policy opposed by some owners because it puts them under the control of park managers. Several nonmetropolitan county governments are now attempting to eliminate the "vehicle" classification for the mobiles by requiring their placement on permanent foundations.

- **Tax Burdens:** Increasing population imposes on the small communities expanding demands for governmental services without comparable increases in public revenues, because residential growth usually is not matched by industrial or commercial growth. The problem is particularly acute for communities with low population densities, where road, law enforcement and school busing costs are very high on a per capita basis. Several such mountain counties had encouraged extensive development of "second home" or "recreational" subdivisions in the 1960s, in the belief that property tax revenues would be gained without increased

service demands. The expectation was that most lots would be sold to speculators or others not intending to build homes for many years, and so few residents would be added. But the rate of building in these subdivisions has escalated in the '70s with the new immigration, eliminating the previous tax base advantages. The age composition of the new migrants adds a further political complication: Retirees and other seniors are inclined to oppose efforts to increase taxes for local schools, parks and recreation programs — a tendency which puts them in conflict with the younger migrants — and yet they aggressively promote spending on those activities which interest them, including roads, fire protection and law enforcement.

- **Fringe-area problems:** The largest share of the increase in Northern California's nonmetropolitan population is being recorded in unincorporated areas, particularly near small cities. This creates new problems for some of the rural county governments which are not used to providing municipal-type services (public water supply and waste disposal systems) or intensive versions of traditional programs (law enforcement operations of the sheriff's department). The usual answer in these communities is to establish special districts or county service areas. These "fringe" developments also create problems for the nearby incorporated cities. Fringe-area residents use parks and other city services without adding to municipal revenues, and the development of fringe-area stores hurts the downtown merchants and indirectly cuts back on municipal revenues.

- **Farming:** Even though many of the ex-urbanites have a strong desire for leisure-time farming on large-acre lots, their arrival is a sore point for the more serious ranchers in a rural community. The new residents often behave in ways incompatible with farming operations; their dogs kill sheep and their motorbike-riding children chase cattle. They generate new competition for agricultural land, even that usable only for grazing. Land prices increase and property taxes rise, forcing some farmers to sell out and discouraging their children from starting their own ranches.

Back in town

The political and policy impacts of the urban-to-rural population shift are certainly not as profound in the metropolitan communities experiencing population decreases, or some outmigration at the least. When a county of one million loses about 25,000 residents in a six-year period, the impact is minimal compared to the gain of 2,000 new residents in the same period by a county of 10,000.

Yet it is worth noting the effects of the reverse migration in San Francisco and Los Angeles area communities, if only for the novelty of the trend. Many suburban cities in California have experienced a sharp drop in population growth rate since 1970. Population losses within California's metropolitan areas in the 1960s were confined to San Francisco, Oakland, and a few older suburbs. But in the 1970-75 period, more than 40 Los Angeles County cities (including Los Angeles City with a decrease of 100,000 persons) and a dozen Bay area suburbs lost population. Many were relatively new cities that had boomed in the 1950s and '60s. Still other suburban communities appear to have reached a population plateau since 1970.

So far the exodus from these cities — and from California's metropolitan areas generally — has not been a massive one. But much depends on whether the trend continues and accelerates in the near future — and on what kinds of families will move from what communities. For some declining suburbs the consequences could be the flight of large numbers of middle-class families, declining tax revenues, increasing concentrations of minority and low-income persons, and deteriorating residential and commercial areas. ■

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WHERE LIBERAL DOESN'T MEAN DEMOCRAT

The deceptive contradictions of county voting patterns

By ELIZABETH LA MACCHIA

By all logic, it should be relatively easy to determine which California counties are the most liberal and which are the most conservative. Those with Democratic voting patterns should be liberal, and those with consistent Republican preferences should be conservative. Using that standard, Plumas County would be rated one of the most liberal in the state. After all, it has gone Democratic in almost all elections for president, governor and United States senator in the past two decades. But anyone who is familiar with Plumas — and almost all of the so-called “cow counties” of Northern California — knows that it is far more conservative than its partisan election record would indicate.

Partisan voting patterns can be deceptive indicators because California has a great many counties, especially in the agricultural areas, where the voters have a Democratic tradition but can hardly be considered liberal. And there can be surprises in some urban counties as well. In addition to partisan elections, there is another way that liberalism and conservatism can be measured: by voting patterns on ballot propositions. Often when county votes on ballot measures are compared with results for statewide office, there are some startling contrasts. Plumas, Shasta, Sierra, Yolo, Fresno, Kings, Lassen, Madera and Sacramento, for example, are strong Democratic counties — but hardly liberal on issues.

Eugene C. Lee and Bruce Keith, in a book called *California Votes*, have theorized that California counties have fairly consistent voting patterns. The data they have compiled for 13 elections for president, governor and U.S. senator from 1960 to 1974 produced the following breakdown by counties:

Strongly Democratic: The most intensely partisan Democratic counties are Alameda, Plumas and San Francisco. Each produced 12 Democratic wins and one Republican victory in the 13 elections studied. Shasta, Sierra and Yolo furnished the Democrats with 11 victories, while Fresno, Kings, Lassen, Madera and Sacramento provided 10 Democratic wins.

Moderate y Democratic: Democrats won nine out of 13 races in Merced, Placer, Solano and Stanislaus counties. In Amador, Contra Costa, Humboldt, Mendocino, Santa Clara, Siskiyou and Trinity counties, the Democrats captured eight victories.

No pattern: In Del Norte, Los Angeles, Napa, San Mateo, Tehama and Tuolumne counties, the Democrats won seven and lost six. The Republicans won seven and lost six in El

Dorado and San Luis Obispo counties — and in California as a whole.

Moderately Republican: Republicans won eight out of 13 majorities in Colusa, Modoc, San Bernardino, San Joaquin, Santa Cruz, Sonoma, Ventura and Yuba counties. Kern, Marin, Monterey and San Benito counties all produced nine Republican majorities.

Strongly Republican: Glenn, Imperial, Riverside, Santa Barbara and Tulare counties all favored the Republicans by 10 to three. Alpine, Butte, Calaveras, Lake, Mariposa and Nevada counties voted Republican in 11 out of 13 elections. The most partisan Republican counties were Inyo, Mono, Orange, San Diego and Sutter with 12 Republican majorities.

It is somewhat more difficult to line up the counties by philosophical bent, because propositions with clearly defined liberal or conservative positions must be found. For this purpose, eight propositions from the last three statewide elections were chosen:

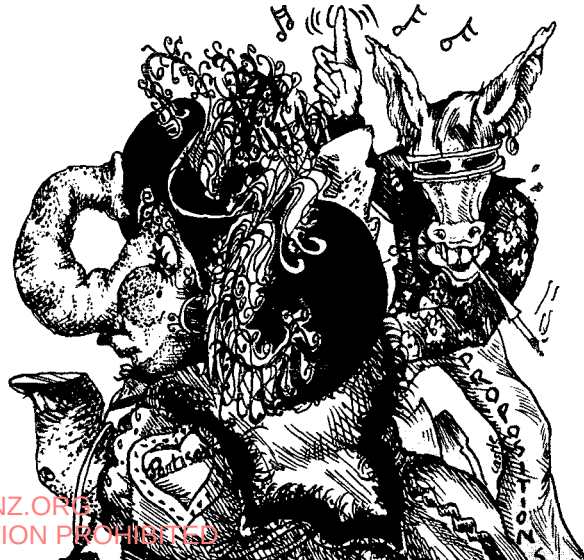
Proposition 17 of 1972, reinstating the death penalty in California. A vote in favor was rated as a conservative position.

Proposition 18 of 1972, allowing California to establish much more stringent laws against obscenity. A vote in favor was considered conservative.

Proposition 19 of 1972, decriminalizing the use of marijuana for personal use. A vote in favor was rated as liberal.

Proposition 20 of 1972, creating the Coastal Zone Conservation Commission to restrict development of the coastal area. A vote in favor was considered liberal.

Proposition 21 of 1972, designed to prohibit the use of



busing for school-integration purposes. A vote in favor was rated as conservative.

Proposition 9 of 1974, enacting tough political reforms and creating the Fair Political Practices Commission. A yes vote was considered liberal.

Proposition 15 of 1974, placing stringent regulations on the use of nuclear power. A vote in favor was rated as liberal.

Proposition 14 of 1976, the farm-labor initiative sponsored by Cesar Chavez' United Farm Workers. A yes vote was rated as liberal.

Based on the votes on these eight propositions, the state's counties can be broken into five categories. For statistical purposes, counties are given numerical rankings based on the number of liberal votes, as follows:

Most liberal — Only San Francisco can be rated as a truly liberal county. It failed to follow the liberal line on only one issue — the nuclear initiative — and came within only a handful of votes of approving it.

Moderately liberal or moderate — Only Alameda County fell into the center of the spectrum with four liberal votes, and it was the only county to join San Francisco in support of the Chavez farm-labor initiative last year.

Moderately conservative — Thirty counties can be considered slightly right of center, with five conservative votes out of eight. In virtually all cases, the voters in these counties went along with the liberals on obscenity, coastline control and political reform. The counties are Alpine, Amador, Contra Costa, El Dorado, Fresno, Lassen, Los Angeles, Marin, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Diego, San Bernardino, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Sierra, Solano, Sonoma, Stanislaus, Tulare, Ventura and Yolo.

Conservative — There are 24 counties which voted the liberal line on only two of the eight issues, and both of those measures — obscenity and political reform — received nearly unanimous county support. The counties are Butte, Calaveras, Colusa, Del Norte, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Madera, Mariposa, Mendocino,

Merced, Mono, San Benito, San Joaquin, Shasta, Siskiyou, Sutter, Trinity, Tuolumne and Yuba.

Ultra-conservative — Two counties, Modoc and Tehama, voted conservatively on all issues except the Fair Political Practices Act, which was supported by every county. Modoc and Tehama were the only counties to give a majority to the anti-obscenity proposal. Neither Modoc nor Tehama is an overwhelmingly Republican county. In fact, Modoc has a 56 percent Democratic registration, and Tehama's is even higher at 59 percent. The Lee-Keith statistics on partisan votes put Tehama in the no-pattern column and put Modoc in the moderate-Republican category.

The more one looks at the partisanship-versus-proposition statistics, the more confused one is apt to become. Southern California is less conservative than Northern California, despite the fact that Southern California is considerably more Republican. The most conservative part of the state is the far north, and that is one of the most Democratic areas — at least in registration.

There is no mystery to this paradox. It is explained by the fact that California has many citizens who are Democratic by tradition but who are conservative in ideology. Most of these voters are former Southerners who poured into the state during the 1930s and 1940s and settled in the agricultural counties, where most of the unusual voting patterns have developed.

According to vote-analysis experts Bernard Berelson and Paul Lazarsfeld, the average person will vote for the candidate of the party with which he or she identifies, regardless of the candidate's point of view on the issues of the day. In California, however, there are apparently a great many former Southerners who register Democratic but nevertheless identify with the Republican party. It is by swinging these voters that the Republicans often win statewide races or even capture legislative seats in districts with heavy Democratic registration, especially in the central valley.

These are the factors that give California the reputation of being an unpredictable state at election time. The counties within the state are much more predictable — but only if a clear dividing line is drawn between how a county is apt to go on a clash between partisan candidates and on a controversial ballot proposition. 

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ELECTRONIC REPRODUCTION PROHIBITED

Which lawmakers win Oscars for entertainment by lobbyists

Based on the lists of gifts legislators reported they received from lobbying interests during 1975 and 1976, the most influential organization in the state Capitol should be the Association of Motion Picture and Television Producers.

Fifteen lawmakers reported receiving the equivalent of more than \$5,000 from the association for trips to the Academy Awards ceremonies. Interestingly, almost all the legislators reported different values for the evening's entertainment, ranging from a low of \$215 for Senator Alan Robbins to a high of \$576 for Senator Bill Greene. Other random facts gleaned from the 516-page document issued by the state Fair Political Practices Commission:

- Some of the state's highest-paid lobbyists spend the least for entertainment of public officials. (James D.

Garibaldi, "king" of the advocates, spent only \$39 during the two-year period out of receipts totalling \$443,000.)

- There is no connection between the power, personal wealth or political persuasion of legislators and the amount of free food and drink they consume.

- Those legislators filing the longest lists tend to be those who enjoy the watering-hole, golf-course or gourmet-food lifestyles.

What follows is a summary of the filings by major state officials. Where the price of a meal is not given, it is calculated at \$10. Major items are listed in parentheses. By far, most of the smaller items are for food, drink, small gifts, golf-course fees and the like. (Those not listed reported nothing.)

CONSTITUTIONAL OFFICERS

Governor Edmund G. Brown Jr., \$6 (reception at home of Donald Green, Sacramento). Lieutenant Governor Mervyn Dymally, \$2,073 (almost all for Natomas Company tour of petroleum fields and dinner with company officials). State Treasurer Jesse M. Unruh, \$155 (including \$100 honorarium for speech to California Credit Union League). Superintendent of Public Instruction Wilson Riles, \$10 (two lunches).

SENATE

Alfred Alquist \$266; Ruben Ayala \$915 (Academy Awards, \$386); Peter Behr, \$135; Clare Berryhill, \$330; Dennis Carpenter, \$130; Randolph Collier, \$557 (expenses for speech to rock-products and concrete associations, \$328); George Deukmejian, \$29; Ralph Dills, \$35; John Dunlap, \$8; Alex Garcia, \$14; Bill Greene, \$874 (Academy Awards, \$576; Wells Fargo Bank lunch, \$134); Donald Grunsky, \$12; Nate Holden, \$48; John Holmdahl, \$268 (Academy Awards, \$222); Ray Johnson, \$14; Milton Marks, \$46; James R. Mills, \$108 (expenses for address to taxicab owners, \$96); George Moscone, \$28; John A. Nejedly, \$90; Nicholas Petris, \$333 (honorarium for speech to plumbing, heating and piping industry, \$200; entertainment by Southern Alameda County Board of Realtors, \$103); Robert Prasley, \$113; Omer Rains, \$113; H. L. Richardson, \$35; Alan Robbins \$1,123 (honorarium and expenses from American Building Contractors Association, \$539; two Academy Awards ceremonies, \$326 and \$215); Albert Rodda, \$32; Newton Russell, \$89; Jack Schrade, \$11; Alfred Song, \$466 (entertainment at Palm Springs golf course by Association of California Insurance Companies, \$109); Jerry Smith, \$7; Robert Stevens, \$12; Walter Stiern, \$55; John Stull,

\$61; Howard Way, \$99; James Wedworth, \$39; James Whetmore, \$56; George Zenovich, \$405 (Academy Awards, \$218).

ASSEMBLY

Richard Alatorre, \$6; Mike Antonovich, \$310 (honorarium for speech to California School Boards Association, \$200); Robert Badham, \$291; Paul Bannai, \$201; Howard Berman \$272 (entertainment and plaque from California Applicants' Attorneys Association, \$147; entertainment by Milk Producers Council, \$112); Robert Beverly, \$765 (Academy Awards, \$372); Daniel Boatwright, \$340 (Academy Awards, \$222); John Briggs, \$49; Willie L. Brown Jr., \$13; William Campbell, \$474 (Academy Awards, \$376); Paul Carpenter, \$71; Peter Chacon, \$30; Eugene Chappie, \$124; Fred Chel, \$58; Larry Chimbole, \$461 (charter flight and entertainment from the Metropolitan Water District of Southern California, \$305); Robert Cline, \$329 (flight and entertainment from California Association of Life Underwriters, \$87); William Craven, \$298; Mike Cullen, \$250; William Dannemeyer, \$4; Pauline Davis, \$11; Wadie Deddeh, \$111; Julian Dixon, \$187 (dinners from Milk Producers Council, \$132); Gordon Duffy, \$372 (honorarium and meals from California Medical Association, \$139); Leona Egeland, \$47; Jim Ellis, \$4; Vic Fazio, \$121 (honorarium from California Credit Union League, \$50; Jack Fenton, \$30; John Foran, \$79; John Garamendi, \$6; Terry Goggin, \$132 (air fare and honorarium from American College of Emergency Surgeons, \$113).

Leroy Greene, \$421 (honorarium and expenses from California School Boards Association, \$396); Eugene Gualco, \$55; Carol Hallett, \$4; Gary Hart, \$31; Richard Hayden, \$8; Teresa Hughes, \$90 (Wells Fargo Bank lunch, \$74); Charles Imbrecht, \$93 (air fare and other items from the Kaiser

Aluminum and Chemical Company, \$89); Walter Ingalls, \$234 (entertainment by Milk Producers Council, \$112); Barry Keene, \$290 (entertainment by the Sea Ranch Association, \$204); Jim Keysor, \$565 (Academy Awards, \$513); John Knox, \$278; William Lancaster, \$297; Jerry Lewis, \$890 (cocktail party from Milk Producers Council, \$701); Bill Lockyer, \$6; Alister McAlister, \$102; Leo McCarthy, \$44; Robert McLennan, \$223 (honorarium from California Dental Association, \$100); William McVittie, \$1,635 (Academy Awards, \$513; reception, entertainment and wine glasses from Alta-Dena Dairy, \$668); Ken MacDonald, \$195; Ken Maddy, \$156; Ken Meade, \$7.

John Miller, \$425 (Academy Awards, \$224; Ernest Mobley, \$107; Joseph Montoya, \$192 (honorarium from California School Boards Association, \$100); Floyd Mori, \$26; Frank Murphy, \$210; Henry Mello, \$24; Bruce Nestande, \$178 (dinners from Milk Producers Council, \$132); Robert Nimmo, \$59; Louis Papan, \$427 (Academy Awards, \$224); Carmen Perino, \$29; Paul Priolo, \$689 (Academy Awards, \$481); Leon Ralph, \$29; Richard Robinson, \$134; Herschel Rosenthal, \$521 (Academy Awards, \$443); Alfred Siegler, \$42; Alan Sieroty, \$6; Stan Statham, \$4; David Stirling, \$4; Tom Suitt, \$41; Vincent Thomas, \$15; William Thomas, \$189 (honorarium from California School Boards Association, \$100); John Thurman, \$194; Art Torres, \$3; Curtis Tucker, \$61; John Vasconcellos, \$17; Frank Vicencia, \$268 (entertainment by Milk Producers Council, \$112); Charles Warren, \$11; Norm Waters, \$4; Bob Wilson, \$124; Michael Wornum, \$360 (entertainment by the Sea Ranch Association, \$171); Edwin L. Z'berg, \$39.

Copies of the complete report may be obtained for \$5 each from the Fair Political Practices Commission, P.O. Box 807, Sacramento 95804.

Brown's weakest session: failure on tax relief, water projects

The 1977 Legislature was under great pressure:

- From the state Supreme Court, to enact a new system of public-school financing meeting the guidelines of the landmark *Serrano* decision.
- From property taxpayers, to provide relief from the burden caused by skyrocketing home values.
- From Governor Brown, to approve construction of water projects designed to minimize the effects of a future drought.

Legislators went home September 16th after succumbing to the pressure in only one area. The Legislature passed, and Governor Brown signed into law, a major school-finance bill that may well not meet *Serrano* standards. In the final hours, the omnibus tax package went down to defeat in the Senate, and the Governor could not muster nearly enough Senate votes to build the controversial Peripheral Canal around the Sacramento-San Joaquin Delta.

Rated on production, the 1977 session did not come close to meeting the high standard set by the hyperthyroid meetings of 1975 and 1976. But politically, Governor Brown and the Democratic majority in the Legislature may not have fared so badly after all. A tax package can still be enacted in a special session so that rebate checks can be mailed prior to the next election, and there is no real rush to enact a water plan since construction hinges on approval of funds from Washington. For Brown and the Democrats, the session could have been much worse.

Had the Democrats bitten the bullet on *Serrano* and established 100-percent fiscal equality for every school district and every student, the large urban districts would have been clobbered and there is no telling what the political consequences might have been. Politically, the school bill made sense. It boosted the so-called poor districts substantially and left the moderately wealthy urban districts whole.

Had the tax bill advocated by Brown and liberal Democrats been adopted, the Democrats might have faced a middle-class revolt at next year's election because those hit hardest by escalating taxes would have received the least. As it is, the Governor can blame the Republicans for preventing tax relief without facing voter discontent with insufficient help for the middle class — unless a similar plan is adopted prior to the next election.

Had the Brown water bill been enacted, the Governor would face two angry groups — Northern California ecologists who fear that the Peripheral Canal might harm the fragile San Francisco Bay-Delta system, and San Joaquin agricultural interests who claim the bill did too good a job protecting the delta. As it turned out, most of the opposition votes were cast by Republicans. Again, Brown can blame the GOP for lack of water progress while not facing the ballot-box wrath of those who oppose him.

Testing the school bill

The school bill, AB 65 by Assemblyman Leroy Greene, will raise state aid for schools from the current level of about \$3 billion a year to almost \$5 billion a year five years hence.

The total cost of the bill over the next five years is estimated at \$4.3 billion. Within hours after the measure was sent to Brown's desk, it was apparent that it will be tested by one of the lawyers involved in the *Serrano* case, John McDermott of the Western Center on Law and Poverty. McDermott said the bill does not come close to meeting the *Serrano* guidelines. Within five years, it would bring some 81 percent of the state's students within \$200 of each other in support. The court had sought a system that would bring almost all students within \$100.

The basic thrust of the bill is to help districts with weak property tax bases two ways — by giving them more money and by reducing the tax rates. The wealthier districts would get little or no added funds but in most cases would see their tax rates decline somewhat. The net effect would be to give Los Angeles a basic property tax rate of \$3.76 in five years, compared to a \$2.27 rate in San Francisco. Yet Los Angeles would have less than San Francisco to spend per student: \$1,777 compared to \$1,893. But now only 40 percent of the districts in the state are "equalized," and the bill would double that. The Supreme Court will be asked to find that the measure is in "substantial compliance" with *Serrano*. McDermott argues that complete compliance would have been possible by spending the same amount of dollars under a different formula.

The Legislature apparently feels there is some chance the court will agree with McDermott. Greene and Senator Albert Rodda next year plan to push a constitutional amendment that would legalize the Greene bill. This would be unnecessary, however, should the Supreme Court act rapidly and find the Legislature's solution acceptable.

In addition to the basic equalization provisions, the Greene measure included numerous other allocations, one of which was vetoed by the Governor. Brown cut \$29 million designed to help districts with extraordinary costs for maintenance, utilities, transportation and insurance. He left in the bill \$64 million a year in urban-impact aid for the 19 largest districts in the state; \$194 million to help bail out the teachers' retirement system, \$57 million for instructional materials, \$528 million over five years for programs for the handicapped, and about \$200 million for extension of so-called restructuring programs to all grades.

The tax-relief tangle

The school bill was a true compromise, and it slid through the Legislature with few dissenting votes. On the other hand, the Legislature never came close to a bipartisan consensus on tax relief. At no time were the Republicans in the Senate satisfied with a bill that had a chance of passage, and there were significant differences between what the liberal and moderate Democrats thought were vital ingredients in a bill. As a body, the Senate never decided what would be acceptable to most members. And Brown had set down some requirements that made it almost impossible for a compromise to be reached. In the end, two efforts were made to get a Brown-blessed measure through the Senate. The Re-

publicans wouldn't buy it, and even some Democrats who supported it did so reluctantly, including Senator Nicholas Petris, the nominal author of the bill.

The problem was that the Governor and the liberal Democrats attempted to convert a cry for property-tax relief, primarily from the middle class, into a radical change in the entire tax structure. The bill that was defeated just before recess would have cost about \$4.2 billion over five years, and most of the money was earmarked for aid to homeowners and renters in the lower income levels. It included a so-called circuit breaker under which property-tax relief was keyed to income. About 70 percent of the homeowner relief would have gone to those with family incomes below \$20,000 and there was no aid at all for renters with incomes above \$12,000. In addition, the bill contained a variety of other major provisions — phase-out of the tax on business inventories, increase in the bank and corporation tax, a boost in the tax on new cars, an increase in the capital-gains tax, limits on local-government expenditures, and special relief for senior citizens. It also was predicated on passage of a constitutional amendment allowing a split tax roll: higher taxes on business property than on homes.

The Governor has insisted that the split roll, the circuit breaker and limits on local government be included in any bill. Limits on local spending and the split roll had pretty much been swallowed by the Legislature. Thus, it is the

circuit breaker concept that has become the bone of contention between Brown and the 14 Republicans in the Senate.

The Republicans — with a few Democratic allies — contend that the state's massive surplus was provided by middle-income taxpayers, who also have carried the heaviest property tax burden, and that they should get a proportional amount of the relief. The controversy revolves as much around income taxes as property taxes because the circuit breaker intertwines the two levies. Senator Walter Stiern of Bakersfield told his colleagues that his constituents simply want the state to give the surplus back to those who paid it, and they cannot understand why the Legislature has concocted a complicated bill that defies understanding by the average taxpayer.

Brown was not alone in his desire to use the cry for property tax relief as a means of bringing about financial equality. Petris pushed a series of liberal proposals, including an increase in income taxes for those who are now at the 11-percent state limit. He was supported by the California Tax Reform Association, which thought the bill defeated by the Legislature was too conservative.

The water battle

The temporary defeat of the Governor's water package should not have been a surprise. The Peripheral Canal has been a hot issue for many years, and Brown did remarkably

California CAPSULES

PUC orders telephone rebates of \$271 million

The state Public Utilities Commission ordered the Pacific and General telephone companies to refund \$271 million to customers and reduce phone rates another \$72 million a year. The companies said they will appeal the ruling, a process which will delay payment of rebates averaging \$29 a customer. The commission said the two firms have saved \$1 billion by setting rates that are based on the payment of "phantom" taxes that are never paid because of special tax credits and deferrals. The rebate was the largest ever ordered by the PUC. Pacific Telephone vice president Arthur C. Latno said the ruling "makes no sense at all. To compel us to make refunds and lower our rates when our earnings are not at the levels found proper by the commission three years ago is unrealistic and harmful."

Lawmakers rate best and worst state departments

The Associated Press conducted a poll to determine which state agencies were the best and the worst, based in part on praise and complaints from constituents. Sixty legislators participated. Votes for worst: Department of Health, 35; Department of Transportation, 13; Department of Motor Vehicles, 7. The Department of Motor Vehicles was rated best by 11 legislators, and there was a tie for second between the Highway Patrol, and the departments of Fish and Game and Consumer Affairs.

ABC director halts on-the-job drinking experiments

The power of publicity forced Baxter Rice, director of the state Department of Alcoholic Beverage Control to stop "standard controlled drinking experiments" for his employees. Rice had started drinking sessions for ABC em-

ployees in hotels so they could "sense for themselves, see for themselves, the effects of drinking too much." The end came after San Diego sheriff John Duffy called Rice's training seminars "a ripoff of the local taxpayers." Duffy said it doesn't take an experiment to learn the effects of alcoholic consumption. "Very simply," he declared, "drinking alcohol will cause intoxication."

Court affirms ruling against Plumas officials

In a 4-3 decision, the state Supreme Court upheld a Sacramento Superior Court finding that the Plumas County supervisors were in contempt of court for refusing to make retroactive welfare payments. The Superior Court had found the supervisors guilty of willfully violating a previous court order and fined each supervisor \$500.

In a previous 6-1 decision, the high court ruled that a trial judge cannot instruct a deadlocked jury that "the case at some time must be decided" or that minority-opinion jurors should reconsider their votes. The court said these statements would constitute improper pressure on minority-opinion jurors.

Schmitz sues to force processing of busing initiative

Former Republican Congressman John G. Schmitz of Orange County filed suit in the state Supreme Court in an effort to get permission to circulate petitions for an initiative to prohibit mandatory busing of school children. Attorney General Evelle J. Younger had refused to process the proposed proposition because it contains more than one subject — a ban on teacher strikes and a prohibition against teacher groups making political contributions in addition to the busing proposal. Schmitz claims all three provisions are one subject under the law.

well getting his bill as far as he did. He even had some strong environmentalists supporting the measure. But the compromise broke apart when San Joaquin farmers decided that it included too much for the delta, and there were those in the north who would not buy the canal regardless of safeguards written into a bill. Brown's measure also included a Mid-Valley canal across the San Joaquin Valley and three reservoirs in Sacramento County. Total cost: more than \$7 billion, much of which would have to be provided by the federal government. Brown urged the Legislature to act rapidly because it will take a great deal of time to convince Congress and especially President Carter that the projects are necessary.

While Brown took his lickings, the Legislature did pass quite a few important bills near the end of the session. Among them:

- **Liquefied natural gas.** The Legislature designated a remote on-shore site, presumably Point Conception in Santa Barbara County, as the site for an LNG terminal. The state Public Utilities Commission was given prime responsibility for site selection.

- **Solar energy.** Brown pointed to a bill by Assemblyman Gary Hart providing tax credits to those who install solar-energy devices as one of the major accomplishments of the year.

- **Pizza parlors.** Another pet bill of the Governor's was one clearing the way for the Pepsi Cola company to take over Pizza Hut operations in the state. In exchange for bending the liquor licensing laws, the Governor extracted promises from the firm that it would help solve the state's unemployment problem.

- **Rapid transit.** The half-cent sales tax on residents of Alameda, Contra Costa and San Francisco counties to help the Bay Area Rapid Transit system was made permanent.

- **Health.** A bill dividing the embattled state Health Department into five agencies was approved.

- **Retirement.** The Governor signed bills banning mandatory retirement at 65 simply because of age. The measures apply to public and private employment.

- **Aerosols.** Brown signed into law a bill banning the use of fluorocarbon-propelled aerosol spray cans in the state starting April 15th, 1979.

- **Litter tax.** The Legislature approved the initiation of a \$17 million-a-year anti-litter tax on business to finance a recycling fund.

- **Collective bargaining.** State workers were granted "meet and confer" rights akin to collective bargaining. The state Educational Employment Relations Board will administer the program under the new name of Public Employees Relations Board.

- **Senior citizens.** The Legislature implemented a constitutional amendment approved last year allowing senior citizens to defer payment of property taxes, which would become a lien against the property.

- **Salaries.** The Legislature boosted its own salary level from \$23,232 to \$25,555, effective in December 1978. Pay raises were also given to state constitutional officers, except the Governor. A provision was inserted in a bill late in the legislative process guaranteeing that the \$35-a-day expense allowances received by lawmakers would be free of state income taxation. (The Governor, incidentally, gave workers in his own office pay raises that range from six percent for those at the top to nine percent for those at the bottom.)

In the final hours of the session, the Senate was astir about two efforts to "get" those who had run afoul of the legislative establishment. One of them, executive officer Martin Huff of the Franchise Tax Board, left the Capitol with his power intact. There had been efforts to denude him of his power because he audits campaign contribution and expense reports zealously. But the other target, Senator George Zenovich of Fresno, lost his chairmanship of the Senate Industrial Relations Committee because he refused to stop trying to oust President pro Tempore James Mills from his leadership position.

(A detailed list of Governor Brown's vetoes and bills signed into law will be included in next month's Journal.)

Senate (26D - 14R)		AB 65 SCA 48 AB 566 SB 839	SB 346 SB 1081 AB 1394 SB 154a	SB 154b AB 1057 SB 363 AB 9	AB 65 SCA 48 AB 566 SB 839	SB 346 SB 1081 AB 1394 SB 154a	SB 154b AB 1057 SB 363 AB 9
Alquist (D)	YYYY	YYYN	YNNY	Marks (R)	YNNY	YYYN	NNYY
Ayala (D)	YYY *	YYYN	YNNY	Mills (D)	YY * Y	YNNY	YYYY
Behr (R)	YYYN	YYYN	NNYY	Nejedly (R)	YYNN	YYNN	NN * N
Beverly (R)	YYNY	YYNN	NNYY	Nimmo (R)	YYNY	YYNN	NNNN
Briggs (R)	YYNY	YYNN	NNNN	Petris (D)	YNNY	YYNY	YYY *
Campbell (R)	Y * * Y	NY * N	NN * *	Presley (D)	YYYY	YYNN	YYYY
Carpenter, D. (R)	* YNN	NYN *	NNNN	Rains (D)	NNYY	YNNY	YYYY
Carpenter, P. (D)	YY * Y	YY * Y	Y * * Y	Richardson (R)	YYN *	NY * N	NN * *
Cusanovich (R)	YYNN	* NYN	NNNN	Robbins (D)	YYY *	* * * Y	YYY *
Deukmejian (R)	YYYN	YYNN	NN * N	Roberti (D)	YNNY	YYYY	YYYY
Dills (D)	YYYY	YY * Y	YYYY	Rodda (D)	Y * * Y	YYYY	YYYY
Dunlap (D)	YNNY	* NYY	YYYY	Russell (R)	YYNN	YYNN	NN * N
Foran (D)	N * * Y	YYNY	YY * Y	Sieroty (D)	YNY *	YYNN	YYY *
Garamendi (D)	YY * Y	YYNN	Y * * Y	Smith (D)	YY * Y	YYNY	YYNN
Garcia (D)	YYYY	YYYY	YYYY	Song (D)	* YY *	YYNN	YYN *
Greene (D)	YNNY	YYYY	* YYY	Stiern (D)	NNYN	YYNN	YYNN
Gregorio (D)	YNNY	YYNN	YYYY	Stull (R)	NNNN	YYNN	NNN *
Holden (D)	YNY *	Y * * Y	* YYY	Vuich (D)	YY * Y	YYNN	* * * Y
Holmdahl (D)	YYN *	N * * Y	YYY *	Wilson (D)	YYYY	YYNN	YY * Y
Johnson (R)	YYY *	YYNN	NN * N	Zenovich (D)	YYNY	YYYY	* Y * Y

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through mid-September. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

Y - Yes

N - No

*** — Absent or not voting**

A $\frac{2}{3}$ vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. ($\frac{2}{3}$ = 54 votes)

Senate: 21 votes required for passage of bills needing a simple majority. ($\frac{2}{3}$ = 27 votes)

Senate

EDUCATION

AB 65 (Greene) — Major school-finance bill appropriating \$4.3 billion over five-year period. Senate adopts conference report, 32-5.

SCA 48 (Robbins) — Proposed constitutional amendment to prohibit school districts from imposing more stringent bus-ing standards than applied by the federal government. Passed, 27-10.

EMPLOYMENT

AB 586 (Alatorre) — Prohibits employers from retiring workers strictly because of age. Passed, 22-12.

SB 839 (Dills) — Extends collective-bargaining rights to state employees. Senate gives final approval, 24-8.

ENVIRONMENT

SB 346 (Ayala) — Authorizes construction of the Peripheral Canal and other water projects. Senate rejects Assembly amendments, 21-16 (27 votes re-quired).

SB 1081 (Alquist) — Grants the Public Utilities Commission sole power to issue a permit for an on-shore liquefied natural gas terminal at Point Conception in Santa Barbara County. Senate adopts conference report, 30-7.

JUSTICE

AB 1394 (Alatorre) — Establishes five-member Board of Pardons to advise the governor on reprieves, pardons and commutations of sentences. Passed, 21-14.

TAXATION

SB 154 (Petrus) — Major tax reform measure containing many provisions, including so-called circuit-breaker formula for property tax relief. Senate rejects first conference committee report, 16-23.

SB 154 (Petrus) — Major tax reform measure with somewhat different provisions from the first conference report. Senate re-jects second conference committee re-port, 21-15 (27 votes required).

AB 1057 (Lockyer) — Allows taxpayers to earmark \$1 each for a Democratic or Re-publican campaign fund. Passed, 21-16.

MISCELLANEOUS

SB 363 (Gregorio) — Reorganizes the state Department of Health and Benefit Pay-ments into five separate agencies. Sen-ate gives final approval, 22-8.

AB 9 (Cullinan) — Grants the Pepsi Cola Company an exemption from a state liquor law so the firm can purchase the Pizza Hut chain provided that new franchises are located in high-unemployment areas. Conference re-port adopted, 21-11.

Assembly (57D-23R)	815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000	815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000	815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000	815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000			
Agnos (D)	Y Y Y Y	Y Y Y Y	Y Y Y Y	Keysor (D)	Y Y Y Y	Y Y Y Y	Y Y Y Y
Alatorre (D)	Y Y * *	* * Y *	* Y Y Y	Knox (D)	Y Y Y *	Y Y Y Y	* N Y Y
Antonovich (R)	N * * *	* Y N *	N Y N N	Lancaster (R)	N Y N *	* Y N Y	Y Y Y N
Arnett (R)	N * N *	* Y Y Y	Y Y Y N	Lanternman (R)	N N N N	N Y N Y	N Y Y N
Bane (D)	Y * Y Y	Y Y N Y	Y Y Y *	Lehman (D)	Y Y Y Y	Y Y Y Y	Y N Y Y
Bannai (R)	N Y N N	Y * Y Y	Y Y * *	Levine (D)	Y Y Y Y	Y Y Y Y	Y Y Y Y
Bates (D)	Y Y Y Y	Y * Y Y	Y N N Y	Lewis (D)	N N N N	N Y N Y	Y N N N
Berman (D)	Y * Y Y	Y * Y Y	Y Y Y Y	Lockyer (D)	Y Y Y Y	Y * Y N	Y N Y Y
Boatwright (D)	Y Y Y Y	Y Y Y Y	Y N N Y	Maddy (R)	* Y N N	N Y * *	Y N * N
Brown (D)	* N Y Y	Y Y * Y	Y Y * *	Mangers (D)	N Y N Y	* N N Y	N Y Y N
Calvo (D)	Y Y Y Y	Y Y Y Y	Y Y Y Y	McAlister (D)	N Y Y Y	Y Y Y Y	Y Y N Y
Chacon (D)	Y N Y Y	Y Y Y Y	Y Y Y Y	McCarthy (D)	Y Y Y Y	Y Y Y Y	* Y Y Y
Chappie (R)	N Y N N	N Y N Y	Y N Y N	McVittie (D)	Y Y Y Y	Y N Y Y	Y Y Y N
Chel (D)	N Y Y N	N Y N Y	Y Y Y N	Mello (D)	Y Y Y Y	Y Y Y Y	Y Y N Y
Chimbole (D)	Y Y Y N	Y Y Y Y	Y Y Y N	Miller (D)	* N Y Y	Y Y * Y	Y N * Y
Cline (R)	N Y N *	* Y N Y	N Y N N	Montoya (D)	Y Y Y Y	Y Y Y N	Y Y * Y
Collier (R)	N Y N N	N Y N N	N Y Y N	Mori (D)	N N Y Y	Y Y * Y	Y Y Y *
Cordova (D)	N Y N N	N N N Y	Y Y Y N	Nestande (R)	Y Y N Y	N Y N Y	Y N Y Y
Craven (D)	N Y N *	* Y N Y	Y Y Y N	Papan (D)	* Y Y *	Y Y N Y	Y Y Y Y
Cullen (D)	N Y Y Y	N Y * N	Y Y N N	Perino (D)	Y Y Y Y	Y Y N Y	Y N Y N
Dannemeyer (R)	N N N N	N Y N N	N Y Y N	Priolo (R)	N N N Y	N Y N Y	Y Y Y N
Deddeh (D)	* N Y Y	Y Y * Y	Y Y * *	Robinson (D)	Y Y Y *	Y Y N Y	Y Y N Y
Dixon (D)	* N Y Y	Y * Y Y	Y Y Y *	Roos (D)	Y Y Y Y	Y Y Y Y	Y Y Y Y
Duffy (R)	N Y N N	N Y Y Y	Y N Y N	Rosenthal (D)	Y Y Y Y	Y Y Y Y	Y Y Y Y
Egeland (D)	Y Y Y Y	Y Y Y Y	Y Y Y Y	Ryan (R)	Y Y N Y	* Y Y Y	Y Y N Y
Ellis (R)	N Y N *	N * N Y	Y Y Y N	Statham (R)	N Y N N	N * N N	Y Y N N
Fazio (D)	Y Y Y Y	Y * Y Y	Y N Y Y	Stirling (R)	N Y N Y	N Y N Y	Y Y Y N
Fenton (D)	Y Y Y N	Y Y Y Y	Y Y Y *	Suitt (D)	Y Y N N	Y N Y Y	Y Y Y Y
Gage (D)	Y * Y Y	Y Y Y Y	Y N Y Y	Thomas, V. (D)	* Y Y Y	Y Y * Y	Y * * *
Goggin (D)	Y Y Y Y	Y Y Y Y	Y Y Y Y	Thomas, W. (R)	Y Y N Y	* Y Y N	Y N Y N
Greene (D)	Y Y Y Y	Y Y Y Y	Y Y Y Y	Thurman (D)	N N Y Y	Y Y Y Y	Y N Y *
Gualco (D)	Y N Y Y	Y Y Y Y	Y Y Y Y	Torres (D)	Y * Y Y	Y N Y Y	Y Y Y Y
Hallett (R)	N Y Y N	N Y N Y	Y N N N	Tucker (D)	Y Y Y Y	Y Y Y Y	Y Y Y Y
Hart (D)	N Y Y Y	Y Y Y Y	Y Y Y Y	Vasconcellos (D)	Y N Y Y	Y N Y Y	Y Y Y Y
Hayden (R)	N N Y *	* N N Y	Y N N N	Vicencia (D)	Y * Y Y	Y Y Y Y	Y Y Y Y
Hughes (D)	Y N Y Y	Y * Y Y	Y Y Y Y	Waters, M. (D)	Y * Y Y	Y N Y Y	Y Y Y Y
Imbrecht (R)	N Y Y N	* Y Y Y	Y Y N N	Waters, N. (D)	Y Y Y Y	Y N * N	Y N Y *
Ingalls (D)	N Y Y *	Y Y Y Y	Y Y N Y	Wornum (D)	Y Y Y Y	Y Y Y Y	Y N Y Y
Kapiloff (D)	Y Y Y Y	Y Y Y Y	Y Y Y Y	Wray (D)	Y Y Y *	Y N * Y	Y Y Y Y
Keene (D)	Y * Y Y	Y * Y Y	Y Y Y Y	Young (D)	Y Y Y Y	Y N * Y	Y Y Y Y

Assembly

JUSTICE

SB 815 (Song) — Eliminates process of indictment by grand juries; permits coun-ties to establish two grand juries. Pas-sed, 46-27.

SCA 18 (Rains) — Proposed constitutional amendment allowing the Legislature to increase the interest rate on court judg-ments from seven to 10 percent. Passed, 55-16.

TAXATION

SB 154 (Petrus) — Major property-tax relief measure. Assembly adopts first confer-ence committee report, 56-22.

SB 213 (Mills) — Authorizes some counties to impose a one-cent gasoline tax, upon voter approval, to finance mass transit. Passed, 51-16.

SCA 6 (Smith) — Proposed constitutional amendment allowing homes to be taxed at a lower rate than business property. Adopted 54-15.

MISCELLANEOUS

SB 884 (Rodda) — Increases the salaries of all state constitutional officers except the Governor. Passed, 57-12.

SB 7 (Holden) — Prohibits lending institu-tions from engaging in redlining. Passed, 48-22.

AB 65 (Greene) — Major school finance bill. Assembly adopts conference report, 67-10.

SB 839 (Dills) — Grants collective bargain-ing to state employees. Passed, 70-7.

SB 346 (Ayala) — Authorizes construction of the Peripheral Canal and other water projects. Passed, 58-21.

SB 363 (Gregorio) — Reorganizes the De-partments of Health and Benefit Pay-ments into five separate agencies. Passed, 58-15.

SB 610 (Dunlap) — Expands housing-discrimination laws to apply to almost all accommodations and stiffens penalties. Passed, 43-27.

NEWSMAKERS

William Giles Hamm, 34-year old deputy associate director of the United States Office of Management and Budget, was named by the Joint Legislative Budget Committee to succeed A. Alan Post as the legislative analyst. Hamm is the son of Post's wife's sister . . . Former Assembly Speaker **Bob Moretti** resigned as a member of the state Energy Commission, effective October 1st. He said he was entering the import-export business and is leaving politics permanently . . . A Moretti opponent on the commission, **Ronald Doctor**, won confirmation for a new five-year term by a 21-8 vote of the state Senate. Doctor had been charged with misusing a state car and telephone

. . . Chairman **Reginald Alleyne** of the Educational Employment Relations Board announced that he would leave his post January 1st and return to his job as a law professor.

The *Oakland Tribune* published an article claiming that Chairman **Dan Boatwright** of the Assembly Ways and Means Committee used his influence to block state purchase of land owned by a business associate. Boatwright said he saved the taxpayers \$1.8 million.

Governor Brown named **Russell W. Cahill**, former Alaska director of parks, as director of the state Department of Parks and Recreation. He succeeds **Herbert Rhodes**, who was appointed

to the Unemployment Insurance Appeals Board . . . The Governor also named one of his former top aides, **Marc Poché**, a professor at Santa Clara Law School, as a Santa Clara County superior judge, and Supervisor **Dorothy von Beroldingen** of San Francisco as a municipal judge . . . Brown received a report from **Donald Vial**, director of industrial relations, informing the Governor that there is no reason why the embattled **Henry Delizonna**, general counsel to the Agricultural Labor Relations Board, should be forced to resign . . . The Governor named former State Senator **Virgil O'Sullivan** of Colusa County to the Commission to Review Water Rights Laws. O'Sullivan is a distant relative of Brown's.

ROSTRUM

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least selected for a further term of apprenticeship.

Moreover, because the trial courts are all operating under heavy calendars, such sitting Superior Court judges must be replaced in order to avoid increasing work loads and consequent trial delays, which are problems the new Chief Justice seeks to resolve. The replacing will be done by the temporary elevation of a municipal court judge who, in turn, can be replaced by a lawyer willing to try a few weeks on the other side of the bench. Thus, for every appellate court vacancy temporarily filled there can be three or more judicial hopefuls beholden to the Governor and to the Chief Justice every four to six weeks.

Through the confirmation of Chief Justice Bird, the Governor has thus achieved a "Browning" of the California judiciary, i.e. a measure of control over the entire judicial system of California undreamed of by his predecessors and uncondoned by our constitutional systems of checks and balances. The anticipation of precisely these consequences compelled opposition to the appointment of the new Chief Justice.

PAUL R. HAERLE
San Francisco
(Former Republican
state chairman)

California's water future

It is both interesting and frightening that people representing purist ecologic views can continue to get exposure for the repetition of faulty reasoning opposing desperately needed development of California's

water resources. They do a great disservice to their constituents, to the ecology and to future economic prospects.

Charles Warren, former California assemblyman and head of President Carter's Council on Environmental Quality, has stated, for example, that he specifically rejects the argument that the answer to drought or floods is more construction. Someone should ask him how he proposes to make up the deficiencies on the State Water Project that have hit California's economy so hard this year. State and federal water officials reject his claim that conservation and the reclaiming of wastewater can supply the millions of acre-feet of new water needed to meet the demands of the State Water Project. The project's present 2.3 million acre-feet capability is more than 2 million acre-feet short of year-2000 needs.

In the area of employment, Warren rejects project construction as providing relatively few construction jobs. His vision is shortsighted. The creation of hundreds of thousands of new jobs provided by the yield of water from new projects is the result of long-term improvement in the health of the general economy which the new water creates, and the employment advantages extend far beyond the project's completion. How much of a labor market would exist in California today without water from the Central Valley Project? Irrigated agriculture — California's largest industry — creates two out of every five jobs, directly and indirectly. Warren argues "if we want jobs, let's provide jobs." How much better to provide stable job opportunities supported by industry well supplied by water to accommodate agricultural expansion and rising populations, rather than to create "make work" jobs

supported by a public treasury overextended by huge budgetary deficits — the root cause of inflation.

Representative George Miller, the supposed "guardian of the Delta," will ill serve his constituency and the rest of California's people if he succeeds in equating Peripheral Canal construction with damage to the Delta. The Jerry Brown Administration's departments of Water Resources and Fish and Game concur with their predecessors that the Delta will surely be the prime beneficiary of the improved efficiency of Delta operation provided by the Canal, not to mention the one million acre-feet of water saved by its operation which can be used for Delta protection as well as export.

Miller accuses Governor Brown of "putting the cart before the horse" in developing water for undefined future needs. If anything in this world has been "defined," it is California's drought-accented water deficiencies.

Interior Secretary Cecil Andrus, who often appears to champion an economy of scarcity rather than abundance, argues: "We need free-flowing water left in the nation for . . . protection of certain forms of life, recreation, scenic values, etc." He should realize that a properly developed river is much more free-flowing than those fed from natural lakes, since controlled releases allow for year-round flows as needed, thus providing the downstream benefits that Andrus applauds for a greater portion of the year.

A properly informed public certainly will put the black hats back where they belong.

JACK W. KEATING
Executive Manager
California Water Resources
Association

Mr. Bakke goes to Washington

When Allan Bakke tried to become a medical student at the University of California at Davis, he immediately had two strikes against him. There were only 100 first-year openings in 1973 for 2,464 applicants. The following year, the competition grew even more intense as 3,737 candidates sought admission. To lengthen the odds, Bakke also happened to be white.

As such, he was not allowed to compete on equal terms with all other applicants. Sixteen of the 100 slots were set aside each year for Blacks, Chicanos and other "disadvantaged" minorities under a special program with less stringent admission criteria. Bakke came close to qualifying for one of the remaining 84 openings for which whites were eligible — but not close enough.

Prospects for Blacks were not bright either. The Davis medical school had opened in 1968 without a single Black student. It was not until the advent of the preferential minority program two years later that a few Blacks got in. During the next several years, that was just about the only way Blacks could make it; in "regular" competition, their chances turned out to be virtually nil.

The university has been quick to point out that, despite generally lower entrance scores, Davis special-admission students were fully qualified to pursue a medical education. In fact, the proportion of Blacks and other minorities with requisite credentials who have been turned away far exceeds those who got in.

For Bakke, who now awaits a verdict from the U.S. Supreme Court as to whether he was the victim of "reverse discrimination," the plight of many Black applicants who also were left out in the cold is a matter of small consolation. As he sees it, UC rigged the ground rules along racial lines and excluded him in favor of less qualified minority applicants.

* * *

The university, which is fighting hard to preserve the Davis program for minorities, takes an equally one-sided view. It concedes for all practical purposes that Bakke might well have been admitted to the medical school four years ago — and by now could be a doctor — if all 100 first-year slots had been up for grabs on an equal basis.

Yet, having made this admission, the university tries to minimize the harm done to Bakke. With more sophistry than human sensitivity, its lawyers are telling the court that the Davis minority-preference program did not mean blatant "exclusion" of Bakke — just a "marginal diminution" of his chances to win admission.

Beyond special pleadings of both sides, however, lies a larger truth. For the case of the *Regents of the University of California vs. Bakke*, widely touted as the most important civil rights issue of the decade, exemplifies a radically new chapter in the long history of racial struggles in the United States. This is not just the latest installment in the fight for full equality for Blacks and other minorities, a direct outgrowth of *Brown vs. Board of Education* and other desegre-

gation rulings, as UC would have us believe. Nor is it, as Bakke insists, a simple turning of the tables — a white claiming racial discrimination instead of a Black.

Rather, it is a battle between have-nots, fired up with the grand hopes of the American Dream, for small pickings in an era of "limits." In its most basic form, the Bakke case is a shoving match over scarce opportunities — for whites as well as Blacks. The stark supply-demand imbalance at Davis and other professional schools cannot help but engender deep disenchantment and frustration transcending all racial lines.

This is no longer a civil-rights dispute where an aggrieved litigant merely seeks to wipe out an injustice perpetrated by the system. This is a case where the system no longer is able to deliver benefits demanded or taken for granted across a broad social spectrum. The gap between myth and reality has reached the critical stage. The revolution of rising expectations, a legacy of the sixties and politicians like Pat Brown, is colliding with the sober seventies and the cautious priorities of politicians like Jerry Brown.

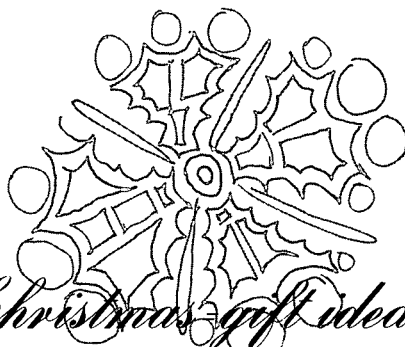
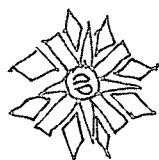
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The Bakke case has become the point of collision, the battleground where disaffected groups — white and Black — fight each other for rewards that are increasingly out of reach. The resulting social discontent, with all its explosive potential, is readily apparent in the stacks of friend-of-the-court briefs which have been filed with the high tribunal.

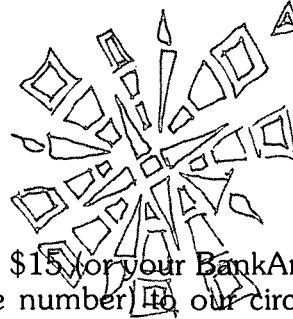
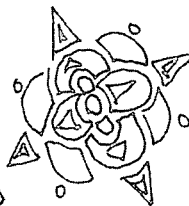
Fighting to keep special-admission programs are Black, Chicano, Asian and Indian groups. A Bakke victory, they warn, would be a catastrophic wipeout of modest gains they have just begun to achieve. Lined up on the other side with Bakke are the white ethnics, Richard Nixon's old "silent majority" — Poles, Jews, Greeks, Italians, Ukrainians — who see themselves elbowed aside when others are given preferential treatment. A UC victory, they warn, is bound to inflame racial tensions.

"What we're seeing here is the university and the rest of the affluent white establishment supporting special admissions because they feel that a small quota for Blacks and Chicanos will not hurt their own kids' chances to get into professional schools," said one lawyer who filed a pro-Bakke brief. "The people who feel directly threatened are those in between — many of the white blue-collar and middle-class groups."

The Carter Administration, aware of the rising emotions surrounding the case, tried to finesse the issue without further alienating its Black constituency. It said yes to "affirmative action," but no to "quotas." That may be the best politics under the circumstances but it does nothing to tackle the underlying problem of what happens when the promise of upward mobility turns into a nightmare of dashed hopes for growing numbers of whites and Blacks. And the Supreme Court, with all its majestic authority, cannot be expected to come up with a magic formula to resolve that crisis.



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An economist is a guy with a Phi Beta Kappa key on one end of his watch chain and no watch on the other end.

— Alben W. Barkley